


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No.** 2402/2024

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. Mukhtar Ahmad 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. Mukhtar Ahmad 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- The authority whose order is challenged has not been listed in the panel of respondent.

2- Affidavit be attested from oath Commissioner-

No. 960 /Inst./2024/KPST,


Dt. 25/10 /2024.

  
ADDITIONAL REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Mir Zaman Safi Adv.  
High Court Peshawar.

*Sr.*

*Re-submitted after compliance.*

  
*07/11/2024*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

APPEAL NO. 2402 /2024

**MUKHTAR AHMAD**

**VS**

**EDUCATION DEPTT:**

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**APPELLANT**

**THROUGH:**

  
**MIR ZAMAN SAFI,**  
**ADVOCATE**

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

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

APPEAL NO. 2402/2024

Mr. Mukhtiar Ahmad, PSHT(R) (BPS-15), GPS Ajab Gul Kalay, District Mardan  
..... APPELLANT

VERSUS

- 1- The Director, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The District Education Officer (M), District Mardan
- 3- The District Account Officer, District Mardan.

.....RESPONDENTS

**APPEAL SECTION-4 UNDER 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 annexure as ..... B.

- 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.

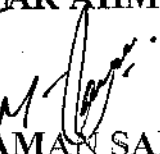
F- That the inaction of the respondents by not granting pre-mature increment to the appellant upon promotion to the post of PSHT (BPS-15) is based on discrimination.

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

  
MUKHTAR AHMAD

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


**MUKHTAR AHMAD**

**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

**MUKHTIAR AHMAD**

**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



"A" (5) 22

1	2	3	4	5	6	7	
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. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term 'Pay'	Date of appointment	Signature of Government
Revised BPS NO-15 @ Rs. (10985-905-38735)							
	sub/Off		Rs. 24560/PM			15/11	MUJ
	do		Rs. 25465/PM			13/10	MUJ
	do		Rs. 25465/PM			13/10	MUJ
	BPS NO 15		@ Rs. (10985-905-38735)				MUJ
PST 5 APS Barkani			Rs. 31430/PM			17/11	MUJ
<p>15565/11 ✓</p> <p>15</p> <p>24560/10</p> <p>Office of the Assistant Commissioner Khyber Pakhtunkhwa Government Pay Fixed in the Revised BPS Adl. 2000 800 22000 Pay Fixed @ Rs. 15500/- w.e.f. 01-07-2013 R.A.N.S. 7988 90538735 Pay Fixed @ Rs. 24560/- Date of next increment: As On</p>							

6

9	10	11	12	13	14	15
Signature and name of the officer or attesting officer 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	Leave Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government Nature and duration of leave taken Period to which debit	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
D.E.O. MARDAN	13/13	Entries Reversed due to premature in S.D.O. (M) MARDAN	S.D.E.O. (M) MARDAN	Promotion to the Post... 14 Consent upon of the departmental promotion committee and in pursuance of the Govt. of K.P.K. Elementary & Secondary Edu. No. 90(B&A)11-18/E & SE 2012 dated: 11-07-2012 and No. SO(PE)4-51 SSRC Meeting 2012/teaching cadre dated 13/11/2012 Promoted to 14 Endost. No. 137-9 dated 12/12/13 S.No. 500	S.D.E.O. (M) MARDAN	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
S.D.E.O. (M) MARDAN	13/13	Promoted to B-15	S.D.E.O. (M) MARDAN	Promotion to the Post... 15 Consent upon of the departmental promotion committee and in pursuance of the Govt. of K.P.K. Elementary & Secondary Edu. No. SO(B&A)11-18/E & SE 2012 dated: 11-07-2012 and No. SO(PE)4-51 SSRC Meeting 2012/teaching cadre dated 13/11/2012 Promoted to 15 Endost. No. 1419-6 dated 13/12/13 S.No. 472	S.D.E.O. (M) MARDAN	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
D.E.O. MARDAN	25/13	Transfer	S.D.E.O. (M) MARDAN		S.D.E.O. (M) MARDAN	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
S.D.E.O. (M) MARDAN	20/13	Promoted	S.D.E.O. (M) MARDAN		S.D.E.O. (M) MARDAN	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
D.E.O. MARDAN	30/11/2013	Promoted	S.D.E.O. (M) MARDAN		S.D.E.O. (M) MARDAN	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
D.E.O. (M) MARDAN	30/6/13	Promoted	S.D.E.O. (M) MARDAN		S.D.E.O. (M) MARDAN	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
D.E.O. (M) MARDAN	30/6/13	Promoted	S.D.E.O. (M) MARDAN	Services rendered up to 11/12/13 30/11/2013 other records of this office	S.D.E.O. (M) MARDAN	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.

**UNDERTAKING**  
 I, Mr. MUKHTAR AHMED  
 hereby give an undertaking to the effect  
 that if any overpayment has made to me on  
 account of incorrect award of B-15 with effect  
 from 3/1/13 it shall be recovered from my  
 pay, pension and gratuity.

Signature: *Mukhtar Ahmed*  
 Designation: *PSA*  
 S.D.E.O. (M) MARDAN

Refractable add drawn vide  
 SCN 11087-88 dt 16/11/13  
 Memo 21 dt 5/2/13 drawn  
 Rs 100,000/-

Services rendered up to 11/12/13  
 1-12-2012 to 30-11-2013 for  
 The Reg. Hall and other  
 Records of The S.O. 100

D.E.O. (M) MARDAN  
 30/6/13  
 Promoted

(3) (7)

The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

Name: Muhammad Ahmad

Race: of Indian

Residence: Kashkora Bagh, Dacca, India



Father's name and residence: Muhammad Sahib Khan



Date of birth by Christian era as nearly as can be ascertained: 2-6-1961


Exact height by measurement: 5-8

Personal marks for identification:

Left hand thumb and Finger impression of (Non-Gazetted) officer:


Little Finger:  Ring Finger: 

Middle Finger:  Fore Finger: 

Thumb: 

Signature of Government Servant: Muhammad

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

  
Sub-Div. Edu Officer  
Dacca

(3)

(7)

(8)

1	2	3	4	5	6	7	8
Name of post	Whether substan- tive or officiating - permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art, 371 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
PSHT GPS Babini	Sub/ff	Pay Revised		w-e-f 01-7-2017			
		BPS-15 (2) P <sub>2</sub> (16120-1330-56-20)					
			Rs. 38730/pm			1/7	MUTZ
				Rs. 40060/pm		1/12	MUTZ
	do			Rs. 41390/-		1/18	MUTZ
	do			Rs. 42720 -		1/19	MUTZ
GPS Ajay Gul 1484				Rs. 42720 -		24/20	MUTZ
				44050			

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN

9

RETIREMENT/LPR

In pursuance Khyber Paktunkhwa Govt Servant Leave Rule 1981, revised vide notification No.SOG/E&SE/2-4/2012 dated 18-12-2012, Sanction is hereby accorded to the grant of Encashment of LPR for 365 days in r/o Mr. Mukhtiar Ahmad PSHT GPS Ajab Gul Killi, Mardan.

He is further allowed to proceed on Pre-mature retirement from the Government Service w.e.f 31-08-2020 (After Noon).

Note:

*Necessary entries to this effect should be made in his service book.*

*This is final order and not be reverted/withdrawn at any stage.*

(Dr: Muhammad Idrees)  
District Education Officer  
(Male) Mardan

Endst No. SS 78-79 /Rtd Mdn/Dated: 14-08-2020

Copy forwarded to the:

1. SDEO(M) Mardan along with service book.
2. DAO Mardan.
3. Official concerned.

DY. DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

P. 23

"B" (10) (8)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN

**ADJUSTMENT ORDER**

Consequent upon the promotion/upgradation of PSTs B-12 to SPST B-14 and SPSTs B-14 to PSHT B-15 Vice Government of Khyber Pakhtunkhwa Elementary & Secondary Education notification No. SO(B&A)/1-18/E & SE-2012 dated 11-07-2012 & No. SO (PE) 4-5/SSRC/meeting/2012 teaching cadet dated 13-11-2012, the following transfer/adjustment of PSTs, SPSTs & PSHTs are hereby ordered on their own pay and BPS to the schools as noted against each in the interest of public service

S.No	Post	BPS	Name	Present School	Proposed School	Remarks
1	PSHT	15	Razi Khan	GPS Kaudari	GPS Kaudari	
2	PST	12	Suleman	GPS Kaudari bala	GPS Kaudari	
3	PSHT	15	Khurshaid ahmad	GPS, Spalano Dheri	GPS, Spalano Dheri	
4	PSHT	15	Ihsan Ullah	GPS, Jamal Abad	GPS, Jamal Abad	
5	PSHT	15	Zahid Anwar	GPS, Gul Abad	GPS, Gul Abad	
6	PSHT	15	Shemshad Khan	Spalano Dheri	Fazli Akbar Korona	
7	PSHT	15	Musal Khan	Kaudari	Kaudari Bala	
8	PSHT	15	Mumtaz Mohd	Gul Pur kalay	Gul Pur kalay	
9	PSHT	15	Naseer Ahmad	No-1 Shahdand	No-1 Shahdand	
10	PSHT	15	Rahmat Ullah	Gul Roz banda	Gul Roz banda	
11	PSHT	15	Rehman Gul	Izzat Khan kalay	Izzat Khan kalay	
12	PSHT	15	M. Shoab	Baba kalay	Baba kalay	
13	PSHT	15	Khalid Hussain	Spalano Dheri	GPS, Jeweer	
14	PST	12	Riaz	Jalil Abad	Habib Noor Killi	
15	PSHT	15	Fazli Akram	Gul Roz Banda	GPS, Shah Dhand-3	
16	PSHT	15	Ihsan-ul-Haq	GPS, Kamala	GPS, Kamala	
17	PSHT	15	Ihsan Ullah	GPS, Miskeen Abad	GPS, Miskeen Abad	
18	PSHT	15	Abdul Latif	GPS, Dad Mohd kalay	GPS, Dad Mohd kalay	
19	PSHT	15	Mohib Gul	Tariq Abad	Tariq Abad	
20	PSHT	15	Mohammad Ghani	Hathian	Hathian	
21	PSHT	15	Said kamal	Essa Khan kalay	Essa Khan kalay	
22	PSHT	15	Javed	Akbar Abad	Akbar Abad	
23	PSHT	15	Mohammad Ishaq	GPS, Hathian	Lebas Khan kalay	
24	PST	14	Fazal Haq	GPS, Libas Khan Killi	GPS, Hathian	
25	PSHT	15	Mohammad Kamal	Hashtnagar kalay	Hashtnagar kalay	
26	PSHT	15	Qaisar Khan	Lala Jan kalay	Lala Jan kalay	
27	PSHT	15	Murad Ali	Hathian	Safi Abad	
28	PSHT	15	Mohammad Ishaq	GPS, Akbar Abad	GPS, Kalim Abad	
29	PST	12	Aziz ur Rahman	GPS, Shari Malak Killi	GPS, Kalim Abad	
30	PSHT	15	Ghafoor-ur-Rehman	GPS, Shahid Abad	GPS, Shahid Abad	
31	PSHT	15	Amin Ullah	GPS, No-2 Shergarh	GPS, Mela Masjid	
32	PST	12	Habib Shah	GPS, Mela Masjid	GPS, No.2. Sher Garh.	
33	PSHT	15	Sikandar Khan	GPS, No-1 Shergarh	GPS, No-1 Shergarh	
34	PSHT	15	Mohammad Hanif	GPS, Khan Mohammad	GPS, Nadir Sher kalay	
35	PST	12	Muhammad Ahmad	GPS, Nadir Sher Killi	GPS, Khan Muhammad Killi	

S.No	Post	BPS	Name	Present School	Proposed School	Remarks
205	PSHT	15	Ayaz gul	Guli Bagh	Guli Bagh	
206	PSHT	15	Abdul Qayum	Landaki	Landaki	
207	PSHT	15	Muhammad Ismail	Ab lur rehman banda	Abdur rehman banda	
208	PSHT	15	Jehangir Khan	Mayar No.1	Mayar.No.1	
209	PSHT	15	Muhammad Abidul huss	Mayar No.1	Mayar No.2	
210	PSHT	15	Siyar	Bara	GPS Gado Mayar	
211	PSHT	15	Malik Aurang zeb	Nawab khan	Jaba	
212	PSHT	15	Muhammad Anees	Landaki	Dob mayar	
213	PSHT	15	Abdul Majid	Batai Koroon	Batai Koroon	
214	PSHT	15	Bahar gul	Mayar No.1	Abdul ghafoor mayar	
215	PSHT	15	Muhammad Anees.	Swaryan	Swaryan	
216	PSHT	15	Muhammad Fayaz	Qayum abad	Qayum Abad	
217	PSHT	15	Fayaz ahmed	Ahmed Abad	Ahmed abad	
218	PSHT	15	Seraj Muhammad	Zormandi	Anwar khan kili	
219	PSHT	15	Hazrat saced	Dagar	Dagar	
220	PSHT	15	Ismael	Firdos abad	Firdos abad	
221	PSHT	15	Sabaz ali	Swaryan	Khan badshah kotey	
222	PSHT	15	Muhammad Irshad	Shamandroz kili	Shamandroz kili	
223	PSHT	15	Muhammad Javed	Ahmed Abad	Muhammad wali kili	
224	PSHT	15	Muhammad Diyar	Toru	Shoukat abad	
225	PSHT	15	Safi ullah	Toru	Shamshad abad.2	
226	PSHT	15	Faizullah khan	Toru	Toru	
227	PSHT	15	Hamid khan	Shamshad abad.1	Shamshad abad.1	
228	PSHT	15	Liaqat ali	Shamshad abad.1	Sultan abad	
229	PSHT	15	Muhammad ikram	Nodeh	Nodeh	
230	PSHT	15	Khushdil	Nodeh	Sundimar	
231	PSHT	15	Muhammad Diyar	Kas kili	Kas kili	
232	PSHT	15	Abdul hameed	Toru	Kala khet	
233	PSHT	15	Asad ullah	Shamshad abad	Aminullah kotey	
234	PSHT	15	Abdul akbar	Nodeh	Qasim.1	
235	PSHT	15	Khairul Bashir	Toru	Qasim.3	
236	PSHT	15	Waqar ali	Toru	Miagan	
237	PSHT	15	Hazrat hussein	Sharif abad.1	Sharif abad.1	
238	PSHT	15	Anwar shah	Sharif abad.2	Aharif abad.2	
239	PSHT	15	Mukhtiar ahmed	Purana Hoti	Qari abad	
240	PSHT	15	Munir khan	Nawab khan	Baghbanan	
241	PSHT	15	Imtiaz ali	Purana Hoti	Bahadar khan kili	
242	PSHT	15	Muhammad fazal	Chanchano khat	Chanchano khat	
243	PSHT	15	Muhammad Tariq	Swaryan	Habib khan kili	
244	PSHT	15	Jawad ahmed	Nawab khan	Gadbanan kili	
245	PSHT	15	Abdus Samad	Sufaid abad	Sufaid abad	
246	SPST	14	Sikandar ali shah B14	Shoukat abad	Kas kili (AVP)	
247	PST	12	Muhammad faz B12	Azim abad	Noorman khel.2	

12

S.No	Post	BPS	Name	Present School	Proposed School	Remarks
721	SPST	14	Saeed ur rehman B14	Akhtar abad	Khani koti	
722	PST	12	Mohib Ur Rehman B12	Kagan	Mohib Banda 2	
723	PST	12	Muhammad ayaz B12	Garyala.2	Garyaka khas	
724	PST	12	Habib Ur Rehman B12	Krum gumbat	Anar baig.1	
725	SPST	14	Qamresh B14	shago wand	Wahid abad	
726	SPST	14	Aman khan B14	Garyala khas	Baroo.1	
727	SPST	14	Irshad ul haq B14	Wahid abad	Mohib banda.1	
728	PST	12	Muhammad yasir B12	Kodinaka	GIZai.2	
729	PST	12	Aqil muhammad B12	Choorā	Bhai Khan	
730	PST	12	Mohsin N12	Javed abad	GDZai.2	
731	PST	12	Kishwar said B12	Said rasan banda	Bhai Khan	
732	PST	12	Akhtar ali B12	GIZai.3	GIZai.1	
733	PST	12	Muhammad Nadeem B12	Asara dhari	Hussai	
734	PST	12	Noorul Basar B12	Chembar	GDZai.2	
735	SPST	14	Alam zeb B14	Garkul	But seri.1	
736	SPST	14	Nawab ali B14	Shamas koroona 1	Mohib Banda.3	
737	SPST	14	Fasih ur rehman B14	Mohib banda.4	Mohib Banda No.3	
738	SPST	14	Hussain ahmed B14	Garyala.2	But seri.1	
739	PST	12	Saeed Akbar-B12	Wahid abad	Madeena gumbat	
740	PST	12	Asad ali B12	GIZai.2	Pani allahdad khel.1	

Note

- 1- No TA/DA is allowed
- 2- Charge Report should be submitted to all concerned.
- 3- The terms and conditions will be the same as mentioned in the promotion order
- 4- They will take over charge on their new station within 15 days.
- 5- Any kind of discrepancy found at any stage against the promotees teachers, the promotion/transfer will stand cancelled automatically.

*Handwritten signature/initials*

(BAHADAR KHAN MARWAT)  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

Endst No. 3462-6 Transfer/Adjustment file

dated. 26-3 2013

Copy forwarded to the:

- 1- PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2- DAO Mardan
- 3- SDEOs (male) Piry Mardan & T.Bhai
- 4- ASDEOs Circle concerned
- 5- Official concerned
- 6- MIS branch Local office
- 7- Personal file

DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

*Handwritten signature/initials*  
26/3/13



11 CU  
481  
13

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**FINANCE DEPARTMENT**  
**(REGULATION WING)**

NO. FD (SOSR-1) 12-21-2013  
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,

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



Accountant General Khyber Pakhtunkhwa Peshawar  
Phone: 091 9211250-54

No: 1-24(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)

1-141/c  
to 148/c  
12-148/c

  
ACCOUNTS OFFICER (HAD) 29/11/13

2067



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

(14)

No.H-24(114)/Edu.Corr/2013-14/99

Dated: 02.09.2013

To,

The Secretary  
To Govt. of Khyber Pakhtunkhwa  
Finance Dept. 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)/-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 same day and re-designated as Primary School Head teacher having 10 years service. An example of fixation made by the DEOs is given below:

Mr.A — pay on 6.1.2013 as PST (BPS-12) Rs.14500/- PM  
Promoted as Sr.PST on 7.1.2013 to BPS-14 RS.15320/-PM (Next stage +Premature).  
Then from promoted as PSHT on 7.1.2013 to BPS-15 Rs.16200/-PM  
(Next stage + premature).

D. Pay Commission/140 Section/10/2013 regarding fixation of pay.

14/11/13  
forwarded

All  
HR L  
Pay R  
CIA C  
Account

TEK  
12/58/14

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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 there incumbents have 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 +premanure 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 DACs/AAOs in Khyber Pakhtunkhwa.
3. The Distt. Accounts Officer Swabi with reference to their letter dated 29.7.2013.

172/4

Dy:Accountant General (HAD)

3/15

To,

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

"D"

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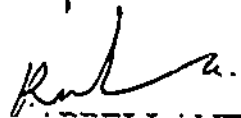
Subject: DEPARTMENTAL APPEAL FOR THE GRANT PRE-MATURE INCREMENT ON PROMOTION FROM BPS-14 TO BPS-15 SIMILARLY TO THE OTHER EMPLOYEES WHO HAVE ALREADY BEEN GRANTED THE SAME BENEFIT BY THE DEPARTMENT

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.



(17)

11/20

(1)

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

OF 2024

Muhammad Ahmad

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)  
(DEFENDANT)

I/We Muhammad Ahmad

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

Muhammad Ahmad  
CLIENT

Mir Zaman Safi  
ACCEPTED  
MIR ZAMAN SAFI  
ADVOCATE

OFFICE:

Room No.6-E, 5<sup>th</sup> Floor,  
Rahim Medical Centre, G.T Road,  
Hashnagri, Peshawar.  
Mobile No.0333-9991564  
0317-9743003

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پشاور بار ایسوسی ایشن، خیبر پختونخواہ

ایڈوکیٹ: Sarah Aziz



بار کونسل ایسوسی ایشن نمبر: EC-A-1692

رابطہ نمبر: 0313-9080833

HP Services Technical Dept

بعدالت جناب:

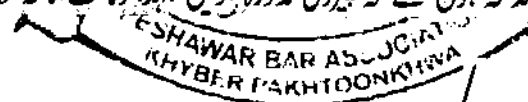
مجاناب:	Appellant	دعویٰ:
	Muhammad Ahmad	علت نمبر:
بنام		مورخہ:
گورنمنٹ		جرم:
		تھانہ:

**باعث تحریر آگہ**

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

آن مقام Peshawar کیلئے SARAH AZIZ کو وکیل مقرر

کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر حالت و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظریاتی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخلہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے



المرقوم: /20

المقام: Peshawar

کے لیے منظور ہے۔

Alleged and accepted  
A