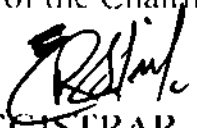


# FORM OF ORDER SHEET

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

**Appeal No.** 2416/2024


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. Burhan uddin 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  REGISTRAR</p>

The appeal of Mr. Burhan ud Din 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. 965 /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. 2416 /2024

EURHAN UD DIN

VS

EDUCATION DEPTT:

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S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	.....	1- 3.
2	Affidavit	.....	4.
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6.	Letter dated 19.11.2013	C	13- 15.
7.	Departmental appeal	D	16.
8.	Wakalat nama	.....	17.

APPELLANT

THROUGH:

  
MIR ZAMAN SAFI,  
ADVOCATE

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

①

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

APPEAL NO. 2416 /2024

Mr. Burhan Ud Din, PSHT(R) (BPS-15),  
GPS Garu, 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.

- 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

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

  
BURHAN UD DIN

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

**BURHAN UD DIN**

**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

BURHAN UD DIN

VS

EDUCATION DEPTT:

**APPLICATION FOR CONDONATION OF**  
**DELAY IN FILING THE ABOVE NOTED**  
**APPEAL**

**R.SHEWETH:**


- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so for.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

**GROUND OF APPLICATION:**

- A- That valuable rights of the appellant are involved in the case hence the appeal deserve to decide on merit.
- B- That the appeal of the appellant is related to the financial matters, therefore, as per judgment of the Superiors Courts reported in 2021 SCMR 1230 and 2002 PLC (C.§) 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

پریان الدین نظام پور

PSHT

PN-135250

Name Burhanud-Din

Nationality and Religion Pakistani (نام)  
(قومیت اور مذہب)

Islam

Residence vill. Garu (Nizampur) (مستقل رہائش)

Teh. Nowshera  
Distt. Peshawar

Father's name and residence Amanud-Din (والد کا نام اور پتہ)

Date of birth by Christian era as nearly as can be ascertained 10.11.1965 (تاریخ پیدائش مطابق من عیسوی)

5<sup>th</sup> Tenth November N.H. Sixty five

Exact height by measurement \_\_\_\_\_ (قد و قامت)

5-6

Personal mark for identification \_\_\_\_\_ ( نشان شناخت)

A scar on the forehead <sup>hasad</sup>

Left hand/right hand thumb and finger-impressions of (None-gazetted) officer.

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

Little Finger (چھنگیا)

Ring Finger (چھنگیا کے ساتھ کی انگلی)

Middle Finger (انگشت میاں)



Fore Finger (انگشت شہادت)

Thum (انگونہا)



Signature of Government servant پریان (سرکاری ملازم کے دستخط)

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

(تصدیق کنندہ، سر کے دستخط اور سر)

Signature of the Head of the Office  
Attesting Officer (A)

PN-135250

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 صفحہ کے مندرجات کم از کم ہالچ سال بعد تصدیق ہونا ضروری ہیں اور بعد ۱۰ سالوں میں دستخطوں کی تاریخ ہونی چاہئے۔ انگلیوں کے نشانات کیلئے ہر ہالچ سال کے بعد تصدیق کی ضرورت نہیں۔

1	2	3	4	5	6	7	8	9
Name of post درجہ ملازمت	Whether substantive or officiating, and whether permanent or temporary عارضی مستقل یا قائم مقام	If officiating, state— (i) substantive appointment or (ii) whether service counts for pension under rule 3.20 of C.S.R. (Ph.) volume II اگر عارضی ہے تو کیا وورل کے مطابق پیش کیا مستحق ہے	Pay in substantive post تنخواہ بطور عارضی ملازمت	Additional pay for officiating زائد تنخواہ بطور قائم مقام	Other emoluments falling under the term "pay" ماسوائے تنخواہ دیگر الاؤنس	Date of appointment تاریخ تقرری	Signature of Government servant تخطی سرکاری ملازم	Signature and designation of the Head of the office or other officer in station in column 1 to 8 دستخط و نام سرکار
PS Piran Pirana	Temp.		RS. P. 570/-	RS. P. 570/-		28/11/86		
PS Nomal Raja Nomal Raja	"		560/-	560/-		28/5/86		
Revised	B-7	( 750-31-	750/-	1370 )		7/8/87		
PS Kharin Balia			750/-	Dm		12/8/87		
Do			750/-	Dm		12/8/87		
Do			750/-	Pm		12/8/87		
Do			781/-	Pm		12/8/89		

The Assistant General  
of Accounts  
Basic Pay Scale 1987  
1-7-1987  
1-12-1987

Assistant General  
of Accounts  
Basic Pay Scale 1987  
1-7-1987  
1-12-1987

Accounts Officers

Accounts Officer

Service Year  
1-1-89  
be acc. Roll and  
record of this off



Name of Government Servants :

Date of commencement of Service :

Serial No.	PERIOD OF DUTY			LEAVE EARNED		LEAVE AT CREDIT			LEAVE TAKEN								
	1	2	3	4	5	6	7	8	9	10	11						
	From	To	Y	M	D	Y	M	D	Y	M	D	Y	M	D	Y	M	D

Rs. 17500/-  
 Pay on 12/4/13 B-15 Rs. 17600/-  
 one - pre-mature grat 18300/-  
 D/D one c/d 14000/-  
 S.D.E.O. (M)  
 NSR &

S.D.E.O. (M)  
 2 Nowshera  
 Tr. Date  
 Suppl. Rs. 6000/-  
 on A/c of Fund Advance  
 District Accounts Officer  
 Nowshera

Arrears of pay and  
 all etc of up gradation  
 in B.P.S. 15 w.e.f 12/4/13  
 To 31-5-2014 Rs. 24008/-

S. A. O.  
 5/4

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9-

OFFICE OF THE  
DISTRICT EDUCATION OFFICER (MALE)  
NOWSHERA  
(Office Phone/0991-0220398, Fax/0991-0220228)

**RETIREMENT ORDER**

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 officials.

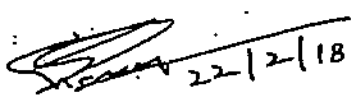
S/N	Name of Official	Date of Retirement	Date of Birth	D/O 1 <sup>st</sup> Appt:	Encashment of LPR	Total service Length Y-M-D	Remarks
01	Mr. Burhan Ud Din PSHT P.No: 00135250	01-02-2018	10-11-1965	28-11-1984	365 days on full pay	33-02-03	Retired from Govt: Service on premature.
02	Mr. Muhammad Shoaib SPST P.No: 00138559	31-01-2018	06-01-1968	04-02-1990	336 days on full pay	27-11-27	Retired from Govt: Service on premature.
03	Mr. Rashid Ul Chafoor Chowkidar P.No: 00134045	19-12-2017	20-12-1957	06-09-1988	365 days on full pay	29-03-13	Retired from Govt: Service on superannuation.

FAYAZ HUSSAIN  
District Education Officer (Male)

3621-23  
Indstr. No. /DEO (M) NSR/EA-S/ F/60/Vol:IV/Retirement of PST/ Dated Nowshera the 22/02/2018.

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), Jhangira.
- 3: Officials concerned.

  
22/2/18  
Dy: District Education Officer (Male)  
Nowshera

OFFICE OF THE  
DISTRICT EDUCATION OFFICER (MALE)  
NOWSHERA

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

"B" -10-

Consequent upon  
No. SO (I & AM) -18/E & SE/2012  
Dated 16/07/2012 the  
post of HPST B-15 (S-85)  
with immediate effect and further

recommendation of the Departmental Promotion Committee (DPC) held on 12-2-  
of Khyber Pakhtunkhwa Elementary & Secondary Education Notification  
Dated 07-07-2012 and Finance Department Endorsement No. SO(FR)/ED/10-  
following Male Semi-Primary School Teachers SPSTs B-14 are hereby promoted  
plus usual allowances as admissible under the rules on regular basis  
Government of Khyber Pakhtunkhwa on the terms and conditions given below  
will be posted in GPS of the District against the newly applied HPST BPS

Lot Number  
End of the lot  
Share of price

Lot Number	1805
End of the lot	1806
Share of price	406

S. No.	S. No.	Name of Teacher	Name	School	DOB	Remarks
1	1	Haqir Shah	Emillah	GPS DAKISMAIL KHAIL	01/05/1955	Will be adjusted/posted according to the rationalization policy
2	2	Murqumbal Naizada	Gul	GPS Ghafur Khan Korona	12/03/1953	DO
3	3	Muhammad	Shah	Bata BHB	15/08/1959	DO
4	4	Muhammad	Shah	Mullu Banda GPS	19/06/1954	DO
5	5	Muhammad	Shah	Akbarpara GPS No.2	12/03/1955	DO
6	6	Muhammad	Shah	Atli Bata GPS No.3	26/04/1953	DO
7	7	Muhammad	Shah	Opsail way station	17/04/1955	DO
8	8	Muhammad	Shah	Babi Jadedd GPS No.1	12/04/1955	DO
9	9	Muhammad	Shah	GPS Shaganai	25/07/1956	DO
10	10	Muhammad	Shah	Jam Korona GMPS	10/10/1954	DO
11	11	Muhammad	Shah	Akbarpara GPS No.1	22/04/1956	DO
12	12	Muhammad	Shah	Babi Jadedd GPS No.2	14/04/1957	DO
13	13	Muhammad	Shah	Tara Jabba GPS No.2	25/12/1955	DO
14	14	Muhammad	Shah	GPS Kheshal Bata	15/08/1954	DO
15	15	Muhammad	Shah	GPS Kheshal Bata	01/01/1957	DO
16	16	Muhammad	Shah	Akbarpara GPS No.2	15/02/1954	DO
17	17	Muhammad	Shah	GPS Akbarpara GPS No.1	05/12/1953	DO
18	18	Muhammad	Shah	GPS Akbarpara GPS No.2	01/05/1954	DO
19	19	Muhammad	Shah	Dona Jadedd GPS No.2	14/10/1955	DO
20	20	Muhammad	Shah	GPS Kheshal Danyar No.1	15/01/1956	DO
21	21	Muhammad	Shah	GPS Kheshal Bata	09/02/1961	DO
22	22	Muhammad	Shah	GPS 2 Kheshal	21/03/1958	DO
23	23	Muhammad	Shah	GPS Ghulam Rasool Korona	07/07/1961	DO
24	24	Muhammad	Shah	GPS Samba Korona	01/04/1961	DO
25	25	Muhammad	Shah	Qasim GPS No.1	15/09/1961	DO

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

**NOTIFICATION**

Consequent upon the recommendations of the Departmental Promotion Committee (DPC) held on 12.2.2013 and in pursuance of the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Notification No.SO (B&A)/1-18/E&SE/2012, dated 11.07.2012 and Finance Department Endorsement No. SO9FR)/FD/10-22E/2010 dated 16.07.2012 the following Male Senior Primary School Teachers SPSTs B-14 are hereby promoted to the post of HPST B-15 (Rs-8500-700-29500) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and conditions given below with immediate effect and further they will be posted in GPS of the District against the newly upgraded HPST B-15 posts.

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

S#	S.L#	Name of Teacher	Father's Name	School	DOB	Remarks
1	5	Hamid Shah	Kaseer Ullah	GPS Dak Ismail Khail	01.05.1955	Will be adjusted/posted according to the rationalization policy
2	6	M. 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	I.M. Akbar	Sher Afzal	Mohib Banda GPS	19/06/1954	Do
5	10	I.Mehmood Khan	Fazle Raziq	Akbar Pora GPS No.2	12/03/1955	Do
6	13	I.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	Misa Khan	Mukamel Shah	Akbarpura GPS No.2	15/02/1954	Do
17	40	Aman Khan	Hamid Khan	GPS Dagbesud 1	05/12/1953	Do
18	41	Usman Shah	Zahir Shah	GPS Dagbesud 2	01/05/1954	Do
19	42	Gulroz Khan	Nawroz Khan	Dagi jaded GPS No.2	14/10/1955	Do
20	50	Roohul Amin	M. Kalim	GPS 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	Akhtar Biland	Sar Biland	GPS Khashgi Bala	04/04/1966	Do



100			GPS		02/02/1965	DO
101			GPS		01/01/1964	DO
102			GPS		01/11/1961	DO
103			GPS		04/04/1963	DO
104			GPS		05/04/1965	DO
105			GPS		12/10/1964	DO
106			GPS		05/03/1967	DO
107			GPS		01/01/1966	DO
108			GPS		09/12/1965	DO
109			GPS		01/10/1959	DO
110			GPS		10/02/1967	DO
111			GPS		04/09/1967	DO
112			GPS			DO
113			GPS		15/02/1961	DO
114			GPS		24/12/1962	DO
115			GPS		15/04/1969	DO
116			GPS		11/12/1962	DO
117			GPS		11/04/1967	DO
118			GPS		13/04/1966	DO
119			GPS		01/09/1967	DO
120			GPS		15/01/1968	DO
121			GPS		12/01/1970	DO
122			GPS		05/12/1964	DO
123			GPS		01/04/1965	DO
124			GPS		05/04/1969	DO
125			GPS		02/04/1966	DO
126			GPS		01/01/1968	DO
127			GPS		01/02/1963	DO
128			GPS		14/02/1959	DO
129			GPS		13/04/1965	DO
130			GPS		12/06/1957	DO
131			GPS		04/02/1970	DO
132			GPS		03/11/1962	DO
133			GPS		03/04/1969	DO
134			GPS		03/01/1971	DO
135			GPS		07/04/1965	DO
136			GPS		04/04/1966	DO
137			GPS		03/06/1966	DO
138			GPS		11/09/1966	DO
139			GPS		01/08/1968	DO
140			GPS		10/01/1968	DO



Better copy Page - 11

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 Khar.	Azakhel Bala GPS No.2	02/10/1964	Do
134	264	Khair Ul Abrar	Sayyed Ul Abrar	Khan Sher Garhi GPS	15/04/1967	Do
135	266	Ihsan Ur Rehman	M. umar	GPS Sheen Bagh	05/01/1958	Do
136	268	Aman Ullah	Jaidad Khan	GPS Labi Khel	15/02/1961	Do
137	269	Jehangir Khan	Inam Ali	GPS Afrido Killi	02/02/1963	Do
138	274	Khail Bahadar	Nawab Gul	GPS Feroz sons	05/04/1963	Do
152	292	M/Suleman	Ilyas Khan	GPS Usman Abad	15/06/1969	Do
153	293	Abdul Ghani	Abdul Qadir	GPS Zaidi Colony	15/04/1970	Do
154	295	Amir Khan	Islahud Din	GPS Batakzai	03/03/1970	Do
155	297	Amir Nawaz Khan	Hayat Khan	Khan Sher Ghari GPS	21/09/1967	Do
156	298	Shah Nazar	Sarwar Khan	GPS Zando Banda	29/09/1970	Do
157	300	Muhammad Fayaz	Fazal-e-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 Gui	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

No.	Name	Address	GPS No.	Date	Remarks
1	Muhammad Ali	...	GPS Rishaka	27/03/1965	DO
2	...	...	GPS Rishaka	10/05/1968	DO
3	...	...	GPS Rishaka	12/03/1969	DO
4	...	...	GPS Rishaka	16/05/1966	DO
5	...	...	GPS Rishaka	10/09/1966	DO
6	...	...	GPS Rishaka	04/03/1967	DO
7	...	...	GPS Rishaka	10/04/1965	DO
8	...	...	GPS Rishaka	10/05/1965	DO
9	...	...	GPS Rishaka	17/11/1967	DO
10	...	...	GPS Rishaka	10/04/1968	DO
11	...	...	GPS Rishaka	12/04/1969	DO
12	...	...	GPS Rishaka	02/11/1965	DO
13	...	...	GPS Rishaka	10/11/1969	DO
14	...	...	GPS Rishaka	10/03/1967	DO
15	...	...	GPS Rishaka	10/03/1961	DO
16	...	...	GPS Rishaka	06/03/1964	DO
17	...	...	GPS Rishaka	08/05/1968	DO
18	...	...	GPS Rishaka	04/01/1969	DO
19	...	...	GPS Rishaka	07/06/1959	DO

... for one year...  
 ... regulations...  
 ... performance was found...  
 ... will be recorded under the rule framed from time to time.

... over payment is...  
 ... will be reversed...

(F) Muhammad Ali Khan  
 District Education Officer (M...)  
 Nowshera

... 12/04/20...  
 District Education Officer (M...)  
 Nowshera

19

**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

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

1481 'C'

15

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. Comp/2012-13/1091 dated 12-08-2012 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 Aghar)  
SECTION OFFICER (SR-1)

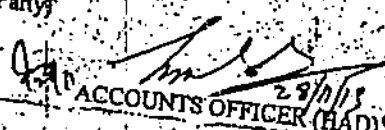


Accountant General Khyber Pakhtunkhwa Peshawar  
Phone: 091 92112505

No: H-24(113)Edu: Master/2012-13/ 2067  
Copy forwarded for information and compliance to:

DATED 11-2013

1. All DAOs/AOs 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)



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

-14-

MSD

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

Dated: 02.09.2013

To,

The Secretary,  
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 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 + Premanure).  
Then from promoted as PSHT on 7.1.2013 to BPS-15 Rs. 16200/- PM  
(Next stage + premanure).

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

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Pay R  
CIA  
Accou

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-15-

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173/c

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 their 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 cases in 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.

*[Handwritten mark]*

*[Signature]*  
Dy: Accountant General (HAD)



To,

NDG -16-

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

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

Respected Sir,

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

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

Dated: 19.06.2024.

  
APPELLANT

Burhanuddin, PSHT(Rtd),  
GPS Garu, Nowshera

-17-

12

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Appeal OF 2024

Buxhan UD Din

(APPELLANT),  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Education Deptt

(RESPONDENT)  
(DEFENDANT)

I/we Buxhan UD Din

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

Dated 1 / . /2024

Buxhan UD Din  
CLIENT  
M. Zaman Safi  
ACCEPTED  
MIR ZAMAN SAFI  
ADVOCATE

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



مجلس القضاء  
الكويتي

الكويت 00135250

مجلس القضاء  
الكويتي