


FORM OF ORDER SHEET

Court of _____

Appeal No. 2418/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/11/2024	<p>The appeal of Mr. Muhammad Zahir resubmitted today by Mr. Mir Zaman Safi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 18/11.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Muhammad Zahir 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. 958 /Inst./2024/KPST,

Dt. 25/10 /2024.


ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Mir Zaman Safi Adv.
High Court Peshawar.

Sir,

Re-Submitted after compliance.

Mir Zaman Safi

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 2418 /2024

MUHAMMAD ZAHIR

VS

EDUCATION DEPTT:

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APPELLANT

THROUGH:


MIR ZAMAN SAFI,
ADVOCATE

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

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. _____/2024

Mr. Muhammad Zahir, PSHT(R) (BPS-15),
GPS No.4, Pir Piai, District Nowshera.....APPELLANT

VERSUS

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

.....RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR THE
GRANT PRE-MATURE INCREMENT ON PROMOTION FROM
BPS-14 TO BPS-15 SIMILARLY TO THE OTHER EMPLOYEES
AND AGAINST NO ACTION TAKEN ON THE
DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN
THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this service appeal the respondents may please be directed to grant pre-mature increment to the appellant upon promotion from BPS-14 to BPS-15 with other back benefits. Any other relief which this august Tribunal deems appropriate may also be granted in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That the appellant was the employee of Elementary & Secondary Education Department and has served the department till his retirement on superannuation (60) years quite efficiently and upto the entire satisfaction of his superiors. Copy of the service book is attached as annexure.....A.
- 2- That during service the appellant was promoted from the post of PST (BPS-12) to the post of SPST (BPS-14) and subsequently promoted from SPST (BPS-14) to the post of PSHT (BPS-15) vide Notification dated 12.04.2013. Copy of the Notification dated 12.04.2013 is attached as annexure.....B.

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- 3- That it is pertinent to mention that the pay of the appellant had been fixed in BPS-14 and then BPS-15 and as such the appellant also granted pre-mature increment in BPS-14 while pre-mature increment on promotion to BPS-15 has not been granted till date despite of the repeated requests. Copy of the service book is already attached as annexure.....A.
- 4- That the appellant and his other colleagues are fully entitled for double benefits of pre-mature increments upon promotion to the BPS-14 and subsequently to BPS-15 in light of Finance Department letter 19.11.2013 and as such the appellant and his other colleagues time and again requested for the same but the respondents are not willing to grant the said pre-mature increment. Copy of the letter dated 19.11.2013 is attached as annexure.....C.
- 5- That the appellant feeling aggrieved from the inaction of the respondents by not granting/issuing pre-mature increment to the appellant upon promotion to (BPS-15) preferred departmental appeal to the respondent No.1 but no reply has been received so far. Hence the present appeal on the following grounds amongst the others. Copy of the departmental appeal is attached as annexure.....D.

GROUND:

- A- That the inaction of the respondents by not allowing/granting pre-mature increment to the appellant upon promotion to the post of PSHT (BPS-15) is against the law, facts, norms of natural justice and materials on the record.
- B- That the appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C- That the respondent department acted in arbitrary and malafide manner by not allowing/granting pre-mature increment to the appellant upon promotion to the post of PSHT (BPS-15).
- D- That the appellant is fully entitle for the grant of pre-mature increment upon promotion to the post of PSHT (BPS-15) in light of the letter dated 19.11.2013 and such violation of the judgment of the Khyber Pakhtunkhwa Service Tribunal, Peshawar in appeal No.770/2016 titled Muhammad Siddique Vs Accountant General, Khyber Pakhtunkhwa & others.
- E- That many colleagues of the appellant in service as well as retired employees have been granted the above mentioned benefits of pre-mature increments, therefore, in light of the judgment of the Apex Court reported in

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1996 SCMR 1185 the appellant is fully entitled for the grant of pre-mature increment upon promotion to the post of PSHT (BPS-15) being similarly placed employee.

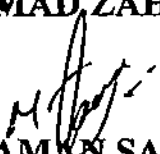
F- That the inaction of the respondents by not granting pre-mature increment to the appellant upon promotion to the post of PSHT (BPS-15) is based on discrimination.

G- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for

APPELLANT

MUHAMMAD ZAHIR

THROUGH: 
MIR ZAMAN SAFI
ADVOCATE

CERTIFICATE:

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


DERONENT

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

MUHAMMAD ZAHIR

VS

EDUCATION DEPTT:

AFFIDAVIT

I, Mir Zaman Safi, Advocate, High Court on the instructions and on behalf of my client, do hereby solemnly affirm that the contents of this **APPEAL** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



**MIR ZAMAN SAFI
ADVOCATE**

4/A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. _____/2024

MUHAMMAD ZAHIR

VS

EDUCATION DEPTT:

APPLICATION FOR CONDONATION OF
DELAY IN FILING THE ABOVE NOTED
APPEAL

R.SHEWETH:

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


GROUND OF APPLICATION:

- A- That valuable rights of the appellant are involved in the case hence the appeal deserve to decide on merit.
- B- That the appeal of the appellant is related to the financial matters, therefore, as per judgment of the Superiors Courts reported in 2021 SCMR 1230 and 2002 PLC (C.S) 1388 limitation in financial matters could not run.
- C- That it has been the consistent view of the Superior Courts that cases should be decided on merit rather on technicalities including the limitation. The same is reported in 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

It is therefore, prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

APPELLANT

THROUGH:


MIR ZAMAN SAFI
ADVOCATE

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

1. Name: Mohammed (Zahoor) Zahir P/No 133468

2. Race: Pushto speaking - Afghan

3. Residence: Village: Khoshki Payan, Teh: Nowskora, Dist: Paktiawan

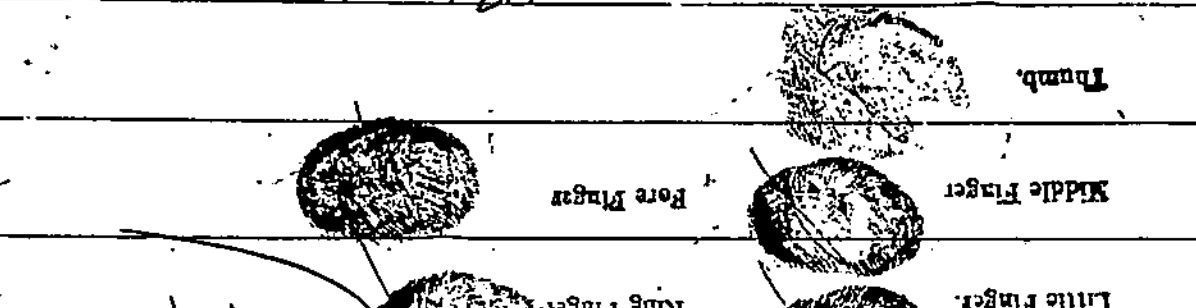
4. Father's name and residence: Naseem Khan

5. Date of birth by Christian era as (05-2-60) (CFL/Eslawary one thousand nine hundred sixty only)

6. Exact height by measurement: 5 feet 11 inches

7. Personal marks for identification: 1 - Small pox mark on forehead, 2 - Black mole on front of ear

8. Left hand thumb and finger impression of (non-gazetted) officer: Drawn below



9. Signature of Government servant: Mohammed Zahir

10. Signature and designation of the Officer: Officer

11. Date: 03/03/2011

12. Place: Nowskora

13. Office: ...

14. Remarks: ...



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OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

(OFFICE PHONE #0923-9220228, FAX#0923-9220228)

RETIREMENT ORDER

Under the provision of Government of Khyber Pakhtunkhwa Finance Department's Letter no. FD (SR-IV) Vol.II dated 24-08-1983; Sanction is hereby accorded to the grant of Encashment of 1 day. Retirement detail given below in respect of the following official.

S#	Name of Official	DO Retirement	DO Birth	DO in Appointment	Encashment of F.P.R	Total Service Length Y_M_D	Total Age Y_M_D	Remarks
01	Mr Muhammad Zahir PSII GPS No 1 Pt Pat PNo.00133468.	02-09-2019	05-02-1960	01-10-1987	365 Days	31-11-01	59-6-27	retire from Govt Service his own request


- Note: -1. Necessary entry to this effect should be made in his service book accordingly
 2. The outstanding amount/Bank Loan (If any) Govt. loan may be deducted from the concerned pensioner lumpsum please.

(ATTAULLAH KHAN)
District Education Officer (Male)
Nowshera

Endst. No: 2091-23 / DEO (M) NSR/EA-S/ File. No.4/Vol: IV-B/Retirement of PST/ Dated Nowshera the 23/09/2019

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 received application vide Endst. No:2349-52 date: 19.09.2019 and DEO (M) local Office Dairy No: 3266 dated 20.09.2019 NSR.
3. ADO Circle concerned


District Education Officer (Male)
Nowshera

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE) "B"
NOWSHERA
(Office Phone#0923-9220228, Fax#0923-9220228)

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NOTIFICATION

Consequent upon the recommendation of the Departmental Promotion Committee (DPC) held on 12-2-2012 and in pursuance of the SO No. SO (B&AM) /S/E&SE/012/22(E)/2010 Dated 13-07-2012 the post of HPST B-15 (RS-85) under the existing policy of the Government will be posted in GPS of the District against the newly advertised HPST BPS

of the Department of Khyber Pakhtunkhwa Elementary & Secondary Education Notification No. SO (FRYED/10-07-2012) and Finance Department Endorsement No. SO (FRYED/10-07-2012) plus usual allowances as admissible under the rules on regular basis of the Provincial Government in Teaching Cadre on the terms and conditions given below will be posted in GPS of the District against the newly advertised HPST BPS.

Total Number
Share of HPST
Share of private

Total Number	305
Share of HPST	406
Share of private	406

S. No.	Name of Teacher	Name	School	DOB	Remarks
1	Hamid Shah	Kamilullah	GPS DAKISMAIL KHAIL	01/05/1955	Will be adjusted/posted according to the rationalization policy
2	Muhammad Nazkar	Abdul	GPS Ghafar Khan Korona	12/03/1953	DO
3	Shah Jehan	Jasimuddin	Bait GPS	15/07/1955	DO
4	Muhammad	Said	Mohd Bannu GPS	19/06/1954	DO
5	Muhammad	Rizwan	Akbarpura GPS No.2	12/03/1955	DO
6	Khalid	Abdul	All Bait GPS No.3	26/04/1953	DO
7	Shah Sultan	Abdul	Gps rail way station	17/04/1955	DO
8	Muhammad Amin	Bilal	Bait Jadedd GPS No.1	12/04/1955	DO
9	Muhammad	Drumad Sarif	GPS Shagan	25/07/1956	DO
10	Muhammad	Said	Jam Korona GMP	10/10/1954	DO
11	Muhammad Gul	Muhammad	Akbarpura GPS No.1	22/04/1956	DO
12	Muhammad	Gul	Bait Jadedd GPS No.2	14/04/1957	DO
13	Muhammad	Abdul	Tara Jabba GPS No.2	25/12/1955	DO
14	Ghulam	Said	GPS Khashan Bait	13/08/1954	DO
15	Muhammad	Abdul	GPS Sanghsud 1	01/01/1957	DO
16	Muhammad	Muhammad	Akbarpura GPS No.2	15/02/1954	DO
17	Muhammad	Khalid	GPS Sanghsud 1	05/12/1953	DO
18	Muhammad	Zaid	GPS Sanghsud 2	01/05/1954	DO
19	Muhammad	Abdul	Bait Jadedd GPS No.2	14/10/1955	DO
20	Muhammad	Abdul	GPS Khashan Bait	15/01/1961	DO
21	Muhammad	Abdul	GPS Khashan Bait	09/02/1961	DO
22	Muhammad	Shah	Gps 2 Khas	21/03/1953	DO
23	Muhammad	Abdul	GPS Chulani Rasool Korona	07/07/1961	DO
24	Muhammad	Abdul	GPS Sanghat Korona	01/04/1961	DO
25	Muhammad	Abdul	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.S0 (B&A)/1-18/E&SE/2012, dated 11.07.2012 and Finance Department Endorsement No. SO9FR/FD/10-226/2010 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	Batu 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 Khesghi 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	Roohul Amin	M. Kalim	GPS Khesghi Payan No.1	15/01/1961	Do
21	51	M. Sadiq	Asadullah	GPS Khesghi Bala	09/02/1961	Do
22	52	Ajmal Shah	Shamsul Wahid	GPS 2 Zkks	21/03/1958	Do
27	60	Shehr Yaz	Malook Shah	GMPS Mandori Bala	16/03/1963	Do
28	61	Ihsan Ullah	Wali Mohammad	Tarkha GPS No.2	15/10/1959	Do
110	220	Abhtar Biland	Sar Biland	GPS Khesghi Bala	04/04/1966	Do

27	60	Shehr Yaz	Malook Shah	GMPS Mandori Bala	16/03/1963	Do
28	61	Ihsan Ullah	Wali Mohaminad	Tarkha GPS No.2	15/10/1959	Do
119	239	Akhtar Biland	Sar Biland	GPS Khesghi Bala	04/04/1966	Do
120	240	Noor Ul Amin	M. Amin	GPS Hamza Rashaka No.2	12.04.1967	Do
121	242	Afzal Khan	Afsar Khan	GPS Rokhan Abad K. Bala	15/02/1967	Do
122	245	M. Israr Khan	Nisar Khan	GPS Kabul River	02/01/1964	Do
123	247	Sharafat Ullah	Amir Nawaz Khan	GPS.I Badrashi	08/03/1962	Do
124	248	M. Ahsan	M. Salih	GPS No. MsKalan	08/05/1962	Do
125	250	Abdul Munaf	Ghulam Muhammad	Akbar Pura GPS No.3	15/10/1962	Do
126	253	Manzoor Hussain	Abdul Khaliq	Pabbi GPS No.1	06/11/1960	Do
127	254	M. Gul	Baghi Gul	GPS Ashraf Khan Korona	01/04/1966	Do
128	255	Khaista Gul	Qadir Shah	GPS Naseer Abad	12/05/1963	Do
129	256	Amanat Khan	Umara Khan	GPS Zaidi Colony	14/03/1969	Do
130	257	Qamar Zaman	Nurshid Khan	GPS Dagbesud. 2	10/08/1955	Do
131	259	Subidar Shah	Gohar Shah	GPS No.1 Mian Esa	12/11/1960	Do
132	260	Safdar Ali	Sardar Ali	Banda Nabi GPS No.1	01/04/1963	Do
133	262	Riaz Ali	Kamil Khan	Azakhel Bala GPS No.2	02/10/1964	Do
134	264	Khair Ul Abrar	Sayyed Ul Abrar	Khan Sher Garhi GPS	15/04/1967	Do
135	266	Ihsan Ur Rehman	M. umar	GPS Sheen Bagh	05/01/1958	Do
136	268	Aman Ullah	Jaidad Khan	GPS Labi Khel	15/02/1961	Do
137	269	Jehangir Khan	Inam Ali	GPS Afrido Killi	02/02/1963	Do
138	274	Khail Bahadar	Nawab Gul	GPS Feroz sons	05/04/1963	Do
152	292	M/Suleman	Ilyas Khan	GPS Usman Abad	15/06/1969	Do
153	293	Abdul Ghani	Abdul Qadir	GPS Zaidi Colony	15/04/1970	Do
154	295	Amir Khan	Islahud Din	GPS Batakzai	03/03/1970	Do
155	297	Amir Nawaz Khan	Hayat Khan	Khan Sher Ghari GPS	21/09/1967	Do
156	298	Shah Nazar	Sarwar Khan	GPS Zando Banda	29/09/1970	Do
157	300	Muhammad Fayaz	Fazal-e-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
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

District Education Officer (Male)
 District Education Office (Male)
 Nowshera

District Education Officer (Female)
 District Education Office (Female)
 Nowshera

This order will be reviewed and if there is any discrepancy, the order will be reversed.

The books to be issued to the students will be issued from time to time and their performance will be monitored during the period of one year.

The books to be issued to the students will be issued from time to time and their performance will be monitored during the period of one year.

Sl. No.	Name of the Candidate	Registration No.	Date of Birth	Gender
01	GPS Rashid	28/03/1965	02/05/1958	DO
02	GPS Mirza	02/05/1958	12/07/1969	DO
03	GPS Mirza	12/07/1969	16/05/1966	DO
04	GPS Mirza	16/05/1966	18/09/1966	DO
05	GPS Mirza	18/09/1966	01/03/1967	DO
06	GPS Mirza	01/03/1967	10/04/1965	DO
07	GPS Mirza	10/04/1965	10/05/1965	DO
08	GPS Mirza	10/05/1965	17/11/1967	DO
09	GPS Mirza	17/11/1967	10/04/1968	DO
10	GPS Mirza	10/04/1968	12/04/1960	DO
11	GPS Mirza	12/04/1960	02/11/1965	DO
12	GPS Mirza	02/11/1965	10/11/1969	DO
13	GPS Mirza	10/11/1969	26/12/1968	DO
14	GPS Mirza	26/12/1968	12/03/1964	DO
15	GPS Mirza	12/03/1964	10/05/1961	DO
16	GPS Mirza	10/05/1961	06/03/1964	DO
17	GPS Mirza	06/03/1964	08/05/1968	DO
18	GPS Mirza	08/05/1968	04/01/1969	DO
19	GPS Mirza	04/01/1969	07/06/1959	DO

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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 I	06/03/1964	Do
404	640	Khan Mir	Shehzad Mir	GPS Dak Ismail Khel I	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

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO. FD (SPSR-1) 12-2/2013
Dated Peshawar the: 19-11-2013

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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/2013-14/1961 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: 051 9211250-53

No: H-24(117)Edu: Muzar/2012-13/ 2067
Copy forwarded for information and compliance to:

DATED 21-11-2013

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) 29/11/13

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

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

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:

Kindly refer to the Elementary & Secondary Education Deptt. Notification No. SO(B&A)/1-18/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 5.1.2013 as PST (BPS-12) Rs. 14500/- PM
Promoted as Sr. PST on 7.1.2013 to BPS-14 RS. 15320/- PM (Next stage + Premium)
Then from promoted as PSHT on 7.1.2013 to BPS-15 Rs. 16200/- PM (Next stage + premium)

Copy Document/AD Section/Office regarding this file.

11/13
Awarded
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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 these incumbents not rendered service in BPS-14 for 3 years and therefore their pay has to be fixed directly from BPS-12 to BPS-15 and granted them next stage + premature in BPS-15 instead of BPS-12 to BPS-14 and then from BPS-14 to BPS-15.

In view of above if the mode of fixation stated in para 4 above is correct may kindly be confirmed or advised for future processing of the subject issue as the fixation of these employees lying pending in the DAOs.

Encl: As above.

Dy: Accountant General (HAD)

Copy forwarded for information to:

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Deptt. Peshawar with the request also to examine the issue and directed all DEOs not to submit the cases to Audit Offices before confirmation of the view of this office is clarified by the Finance Deptt.
2. All DAOs/AAOs in Khyber Pakhtunkhwa.
3. The Distt. Accounts Officer Swabi with reference to their letter dated 29.7.2013.

Dy: Accountant General (HAD)

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

Muhammad Zahir, PSHT(Rtd),
GPS No.4 Pir Piai, Nowshera

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VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

OF 2024

Muhammad Zahir

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/we Muhammad Zahir

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

M Zahir

CLIENT

M Zaman Safi

ACCEPTED

MIR ZAMAN SAFI
ADVOCATE

OFFICE:

Room No.6-E, 5th Floor,
Rahim Medical Centre, G.T Road,
Hashtnagri, Peshawar.

Mobile No:0333-9991564

0317-9743003

Order No (BPS-14-BPS-15) 262

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(PSHT)