

The appeal of Mr. Bagh Zamin Headmaster (R) R/o Mohallah Rasheed Khel Near GHSS Khak Pabbi received today i.e. on 28.09.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ① Memorandum of appeal may be got signed by the appellant.
- 2- Copy of retirement order mentioned in para-1 of the memo of appeal is not attached with the appeal which may be placed on it.


No. 1934 /S.T,

Dt. 29/09 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saifullah Daudzai Adv. Pesh.

*In respect of ② copy of pension papers
is annexed instead of non availability
of retirement order.*


5.10.21

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: _____

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	✓	
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On	✓	
26	Whether copies of comments/reply/rejoinder submitted? On	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Sai F. Ullah Daudzai Adv

Signature: [Signature]

Dated: 28.09.2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 7507 /2021

BAGH ZAMIN


VS GOVT. OF KPK & Others

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal	1 - 5
2.	Copy of Retirement Notification	"A"	6
3.	Copies of the revised pension slips	"B"	7 - 8
4.	Copies of applications and impugned Order dated 30-06-2021	C, D, E, F, G H, I, & J	9 - 17
12	Wakalat Nama	-----	

APPELLANT

Through:


SAIF ULLAH DAUDZAI
ADVOCATE,
High Court Peshawar

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 7507 /2021

Diary No. 7645

Dated 28/09/2021

Mr. Bagh Zamin (Headmaster) (Rtd) R/O Mohella Rasheed Khel
Near GHSS Speen Khak, Cherat road Pabbi, Nowshera.

..... **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
- 2- The Accountant General of Khyber Pakhtunkhwa Peshawar.
- 3- The Secretary to Government of Khyber Pakhtunkhwa Finance Department Peshawar.
- 4- The secretary to the Government of Khyber Pakhtunkhwa Elementary and secondary education Peshawar.
- 5- Director Elementary & Secondary Education Government of Khyber Pakhtunkhwa Peshawar.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER VIDE NO. SOSR-II/FD/4-36-2019/54 DATED 30.06.2021 WHEREBY APPEAL OF THE APPELLANT IN RESPECT OF INCREASE IN PENSION AT THE RATE OF 13% FROM THE DATE OF RETIRMENT WITH ALL BACK BENEFITS WAS REGRETED BY RESPONDENT NO.03 AND THE APPELLANT WAS NOT TREATED AT PAR WITH HIS COLLEAGUS AND EVEN HIS JUNIORS.

PRAYER:

That on acceptance of the instant appeal the impugned order vide NO.SOSR-II/FD/4-36-2019/54 DATED 30-06-2021 may very kindly be set aside and the respondents may kindly be directed to increase the pension of the appellant at the rate of 13% from the date of retirement with all back benefits and to treat the appellant at par with his colleagues and juniors and the discrimination so made to the appellant may please be discouraged. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

Re-submitted to
and filed.

Filed today
28/9/21
Registrar

Registrar
5/10/21

RESPECTFULUY SHWETH:**ON FACTS:**

1. That the appellant was appointed in the education department back in the year 27-06-1968 and served the department as Headmaster from 31.08.1997 to 31.01.2006 (**8 1/3 years**) and stood retired on 01-02-2006.
(Copy of Retirement Notification is annexed as "A")
2. That it took the appellant with great surprise and concerned when in March 2018 he received revised pension slip and noticed that his pension was calculated lesser by Rs. 3,800/per month than his colleague namely Qazi Fazl-e-Ahmad who is junior to him in service for instance, the appellant have served as Headmaster from 31.08.1997 to 31.01.2006 (**8 1/3 years**) while his colleague served in the said position from 15.06.2003 to 15.05.2005 (**2 years**).
The appellant availed 21 increments in BPS-17 while his colleague availed 19 in the same BPS-17.
(Copies of the revised pension slips are annexed as "B")
3. That after receiving the revised pension slips from Accountant General (A.G) Office, KP and observing the anomalies therein, the appellant filed an appeal to Federal Secretary Finance Division Islamabad and Secretary Finance Department Govt. of KP well in time for redressal of his grievance but no heed was paid to the request of the appellant.
4. That being not responded on his first appeal, the appellant again made request to the Finance Department, Govt. of KP through proper channel i.e. the Directorate of Elementary and Secondary Education KP for redressal of his grievance so that the appellant may receive his actual pension. Where upon The Finance Department asked for submission of documents in respect of appellant and his colleagues which were duly submitted by the appellant. However, the Finance Department despite of increasing his pension regretted the request via letter No. SOSR-11/F.D/4.36/2019/54 dated 30.06.2021 by referring paras No. 13, 14 and 15 of pay and pension rules 7/2005 (no increase in pension).
(Copies of applications and impugned Order dated 30-06-2021 are annexed as "C, D,E,F,G H,I, & H")

5. That appellant feeling highly aggrieved and having no other remedy but to file the instant appeal on the following grounds amongst the others.

GROUND:

- A- That impugned order **DATED 30.06.2021** of the **respondent no.03** is void in nature, against the law, facts and norms of natural justice hence not tenable and is liable to be set aside.
- B- That appellant has not been treated by the respondent Department 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 appellant has been highly discriminated by the respondents by not providing his due right and not treating him at par with his similarly retired colleagues and even juniors to him, such practice of the respondents is against the basic essence of the rights protected by the constitution of Islamic republic of Pakistan 1973.
- D- That the revised pension slip rules according to which the appellant has been dealt, is a unique kind of revision in the history of pay and pension revision rules. During 1968 to 7/2005 more than 8 times revisions have been made and in all the revisions it remained a major that all the dearness allowances from substituting revision to the present revision (3-4 years) were all adjusted in basic and new scale tables were made, but in this unique Revision D.A for one year 15% was adjusted in the basic pay and the increase of the remaining 3 years were ignored (total increase 33%) that resulted in a huge anomaly in pension. Furthermore, if the substituting Revision of 7/2007 and 7/2008 are observed, it will be crystal clear that 15% out of 15% D.A has been adjusted in 7/2007 and 20% out of 20% has been adjusted in 7/2008 revisions. In this way employees retired after 01/07/2005 to 30/06/2006 have been a victim of anomaly equal to 13%. Therefor the same may be added to the pension of the appellant so that he may be bring at par with his other colleagues and the anomalies so made may be addressed/rectified.
- E- That the anomalies reflected in the case of the appellant is due to non-following the pay & pension rules 7/1983 which was a model revision there would be no anomalies if the same were followed in letter and spirit. For the sake of ease of reference, some random examples are quoted as below.

(4)

Stages	1 to ----11	12	13 to ---20
Old Scale BS No. 14 520-30-730/35-1010			
New Scale BS No.14 850-50-1850	Rs.870		
Pay in BS No. 14 on 30.06.1983 pay fixed in normal fixation.	Rs.1350	Option "A"	
Pay fixation (pay +D.A.	Rs. 1450	Option "B"	
Pay new scale (78-82) Fixation point to point basis			

Pay fixed in the service book at the stage Rs. 1450/pm for the first time point of point fixation was introduced. There was restriction of time for exercising option "A" and "B" as in the "Unique Revision 7/2005 which is 60 days.

Random Example "Pension Revision Table "7/2005

Stages	Stage -19	Stage 20	Stage 21	Remarks
Pension before 01.07.2005	Rs. 15,045/-	Rs.15,510/-	Rs.15975	w.e.f 01.02.200 6
Pay in BS No. 17				
Gross pension calculated	Rs. 10,531/- Rs.3,854/-	Rs. 10,857/- Rs.3,976/-	Rs. 11,182/- Rs.4,094/-	----
Allowances : 2003, 2004, and 2005 (33%)				
Total Pension	Rs. 14,385/pm	Rs. 14,831/pm	Rs.15,276/p m	
Pension new scale after 01.07.2005				
Pay in BS - 17 after 01.07.2005	Rs. 17,370	Rs. 17,805	Rs. 18,340	w.e.f 01.02.200 6
Gross pension calculated	Rs. 12,113/- Rs.1,211/-	Rs. 12,515/- Rs.1,251/-	Rs. 12,813/- Rs.1,281/-	
Allowances				

5

: 10% increased				
Grand Total	Rs.13,324/p m	Rs.13,763/p m	Rs.14,094/p m	---

- F- That while regretting the request of the appellant the Finance Department has stated that Mr. Bagh Zamin (HM Rtd) has accepted/opted the revised basic pay scales and pension/commutation scheme 2005 therefore the requested benefits cannot be extended to him. However, this statement of Finance Department is not true. The appellant has not signed such an option before proceeding on retirement during 02.01.2005 to 01.02.2006.
- G- That, the respondents acted in an arbitrary and malafide manner while issuing the impugned order dated 30-06-2021.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 28.09.2021

APPELLANT

THROUGH:



SAIF ULLAH DAUDZAI
ADVOCATE,
High Court Peshawar

REGISTERED

GOVERNMENT OF NWFP
SCHOOLS & LITERACY DEPARTMENT

19

To

The Dist. Officer
Nowshera

Subject Pension paper in respect of Mr. Bagh Zamin Ex-Headmaster
GHS Jarroba Nowshera.

I am directed to inform you that the enclosed file contains
one with one set of pension paper served to you with original in respect of
Nowshera. I am, therefore, Secretary to Govt. of NWFP Schools &
Literacy Department. Your attention is drawn to the necessary action if you find please

Please inform me of the result.

Encl: Service Book & Pension Paper

KARRAM KHAN
ASSISTANT ACCOUNTS OFFICER

~~ATTESTED~~

ASSISTANT ACCOUNTS OFFICER

PENSION ROLL DATA SHEET & PENSION SLIP

Date of issue : 26.07.2017
 PPO Type : FRESH
 PPO Number : 00135197-00
 Pensioner ID : 00135197
 Pension Register No:
 Pensioner's Name : BAGH ZAMIN
 Father / Husband name : RAZA KHAN
 Designation: HEAD MASTER
 NIC No.: 1720121586851
 Grade / Scale : 17
 Department.Min: Education Schools
 Pensioner's Type: SELF
 Pension Type: SUPERANNUATION
 Date of Birth :01.02.1946
 Date of appointment:27.06.1968
 Date of retirement: 01.02.2006
 Date of Death:
 Date of commence :02.02.0006
 Date of Restoration :
 Accounts office ID :NR
 Accounts office Name :Nowshera
 Federal / Province :Khyber Pakhtunkhwa
 Length of Qualifying Service :37 years,7 months,5 days
 Old PPO Number :
 No. and Date of sanction of pension / Letter No. :
 and the date of the other Audit and Accounts officer authorising
 the Pension/Gratuity/Commutation
 Permanent Address:SPIN KHAK, NOWSHERA

Note :
 Age : 61 years
 Last Drawn pay/Emoluments(Rs.): 18375.00
 Gross Pension(Rs.) : 12862.50
 1/4th Surrendered Portion (Rs.) :
 Commuted Portion (Rs.) : 4501.88
 Net Pension (Rs.) : 8360.62
 Net Family Pension (Rs.) : 0.00
 Amount of Commutation(Rs.) : 648901.00
 With Held Amount (Rs.) : 0.00
 Life Time Arrears (Rs.) : 0.00
 Arrears Of Pension (Rs.) : 0.00
 Special Additional Pension (Rs.) : 0.00
 Commutation Percentage : 35.00
 Commutation Table value : 12.37
 Recovery on A/C of :
 Debitable to Govt :Khyber Pakhtunkhwa
 Total Net Share
 Federal : 0.00 Punjab : 0.00
 Sindh : 0.00 NWFP : 0.00
 Balochistan : 0.00 Military : 0.00
 AJK : 0.00 Autonomous : 0.00

He/She is also entitled to the following increases

Sr. No.	Period	Increase % or amount	Increase Amount	W.E.F.
1	JUL.2005	Rs. 836.00	836.00	01.02.2006
2	JUL.2006	Rs. 1380.00	1380.00	01.02.2006
3	JUL.2007	Rs. 1586.00	1586.00	01.02.2006
4	JUL.2008	20.00 %	2432.52	01.02.2006
5	JUL.2009	15.00 %	2189.27	01.02.2006
6	JUL.2010	15.00 %	2517.66	01.02.2006
7	JUL.2011	15.00 %	2895.31	01.02.2006
8	JUL.2012	20.00 %	4439.48	01.02.2006
9	JUL.2013	15.00 %	3995.53	01.02.2006
10	JUL.2014	10.00 %	3063.24	01.02.2006
11	JUL.2015	10.00 %	3369.56	01.07.2015
12	JUL.2016	10.00 %	3706.52	01.07.2016
13	JUL.2017	10.00 %	4077.17	01.07.2017
14	0.	Rs. 0.00	0.00	
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				

PENSION SLIP

Month: July
 Year: 2017

Pension roll details

Wage Type	Wage Type Text	Amount
559	Payment	49674.00
0100	Monthly Pension - Self	8361.00
0101	Pension Increases - Self	36488.00
1599	Medical Allow - Pensioner	3860.00
1600	Med. All. 2015 Pensioner	965.00

ATTESTED

Bank Details

Bank Account Number : 0743743291001510
 Bank Branch : PABBI
 PABBI
 Payment Mode :MUSLIM COMMERCIAL BANK

2
PENSION ROLL DATA SHEET & PENSION SLIP

Date of issue : 06.03.2018
 PPO Type : FRESH
 PPO Number : 00539326-01
 Pensioner ID : 00539326
 Pension Register No: 2052/NSR
 Pensioner's Name : FAZAL AHMAD
 Father / Husband name : QAZI GUL RAHIM
 Designation: HEAD MASTER
 NIC No.: 1730113434355
 Grade / Scale : 17
 Department.Min: Education
 Pensioner's Type: SELF
 Pension Type: SUPERANNUATION
 Date of Birth : 15.05.1945
 Date of appointment: 05.10.1963
 Date of retirement: 15.05.2005
 Date of Death:
 Date of commence : 15.05.2017
 Date of Restoration :
 Accounts office ID : NR
 Accounts office Name : Nowshera
 Federal / Province : Khyber Pakhtunkhwa
 Length of Qualifying Service : 41 years, 7 months, 10 days
 Old PPO Number :
 No. and Date of sanction of pension / Letter No. :
 and the date of the other Audit and Accounts officer authorising
 the Pension/Gratuity/Commutation
 Permanent Address: DISTT: NOWSHERA

Note : NSR/2052
 Age : 58 years
 Last Drawn pay/Emoluments(Rs.): 15045.00
 Gross Pension(Rs.) : 10531.00
 1/4th Surrendered Portion (Rs.) :
 Commuted Portion (Rs.) : 4212.40
 Net Pension (Rs.) : 10531.00
 Net Family Pension (Rs.) : 0.00
 Amount of Commutation(Rs.) : 0.00
 With Held Amount (Rs.) : 0.00
 Life Time Arrears (Rs.) : 0.00
 Arrears Of Pension (Rs.) : 0.00
 Special Additional Pension (Rs.) : 0.00
 Commutation Percentage : 40.00
 Commutation Table value : 0.00
 Recovery on A/C of :
 Debitable to Govt : Khyber Pakhtunkhwa
 Total Net Share
 Federal : 0.00 Punjab : 0.00
 Sindh : 0.00 NWFP : 0.00
 Balochistan : 0.00 Military : 0.00
 AJK : 0.00 Autonomous : 0.00

Five Per cent
 (Carry over)

17 H.H. 2.5
 17 H.H. 2.5

He/She is also entitled to the following increases

Sr. No.	Period	Increase % or amount	Increase Amount	W.E.F.
1	JUL.2003	15.00 %	1579.65	01.08.2017
2	JUL.2004	8.00 %	968.85	01.08.2017
3	JUL.2005	10.00 %	1307.95	01.08.2017
4	JUL.2006	15.00 %	2158.12	01.08.2017
5	JUL.2007	15.00 %	2481.84	01.08.2017
6	JUL.2008	20.00 %	3805.48	01.08.2017
7	JUL.2009	15.00 %	3424.93	01.08.2017
8	JUL.2010	15.00 %	3938.67	01.08.2017
9	JUL.2011	15.00 %	4529.47	01.08.2017
10	JUL.2012	20.00 %	6945.19	01.08.2017
11	JUL.2013	15.00 %	6250.67	01.08.2017
12	JUL.2014	10.00 %	4792.18	01.08.2017
13	JUL.2015	10.00 %	5271.40	01.08.2017
14	JUL.2016	10.00 %	5798.54	01.08.2017
15	JUL.2017	10.00 %	6378.39	01.08.2017
16	0.	Rs. 0.00	0.00	
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				

PENSION SLIP

Month: February
 Year: 2018

Pension roll details

Wage Type	Wage Type Text	Amount
7559	Payment	77713.00
0100	Monthly Pension - Self	10531.00
0101	Pension Increases - Self	59631.00
1599	Medical Allow - Pensioner	6041.00
1600	Med. All. 2015 Pensioner	1510.00

ATTENDED

Bank Details

Bank Account Number : 4102648375
 Bank Branch : PABBI Nowshera
 PABBI Nowshera
 Payment Mode : NATIONAL BANK OF PAKISTAN

Dated: 24.02.2020

Annexure C

To,

The Secretary,
Finance Department,
Govt. of Khyber Pakhtunkhwa

Subject: ANOMALIES IN THE PENSION OF EMPLOYEES RETIRED AFTER 01-07-2005 TO 30-06-2006.

Dear Sir,

Kindly refer to my previous correspondence via letter No. nill dated 31.05.2018 on the above cited subject in response to the pension slips issued dated 06.03.2018 and to inform that I requested the Finance Department for redressal of my grievances relating to my pension amount however, till now I have not received any response from your office.

I, with profound gratitude again would like to draw your kind attention to the fact that the pensioners retired after 01-07-2005 to 30-06-2006 are getting fewer amounts of pensions than those retired before 30-06-2005 for example I, Bagh Zamin, (Rtd. Head Master B-17) though senior to one of my colleague is getting fewer pension. A detailed comparison of the pension of employees retired before 30.06.2005 and 01.07.2005 to 30.06.2006 is given in the below table that will explain the subject anomalies.

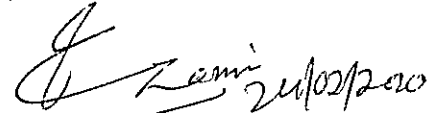
Group 'A' (Beneficiary Pensioner retired before 30-06-2005)	Group 'B' Effectuated pensioner retired after 01-07-2005 to 30-06-2006
<u>Qazi Fazal Ahmed Ex. Head Master.</u> 1) Date of retirement 15-05-2005 2) B.S at the time of retired 17 3) Service as H. Master (03 Years) 4) Increment availed in B.S - 17 (19) 5) Pay at the time of retirement Rs.15045/- 6) Pension after restoration of the commuted portion Rs. 77713/- pm. 7) Medical allows Rs. 7551/- pm	<u>Bagh Zamin (applicant) Ex. H. Master</u> 1) Date of retirement 01-02-2006 2) B.S. at the time of retirement B-17 3) Service as H. Master 8.5 Years 4) Increment availed in BS. 17 (21) 5) Pay at the time of retirement Rs. 18375/- 6) Pension after restoration of the commuted portions Rs. 73823/- 7) Medical allows Rs. 4825/- pm

From the above table it becomes quite clear that the applicant (Bagh Zamin) being senior by service with higher pay has been given a less amount of pension i.e. of Rs. 3890/- per month (according to the attached pay slips attached).

In light of the above how an official being senior and with more increments in the same scale is getting fewer pensions than others officials.

It is, therefore, requested that either 8% increase be given to me from that date of retirement with back-benefits or I may be given a chance to exercise an option to proceed on retirement on 30-06-2005 instead of 01.02.2006. In this regard the pays drawn by me from 01.07.2005 to 31.01.2006 may be recovered from arrears.

Yours obediently,



Bagh Zamin (Head Master) (Retd).
Mohallah Rasheed Khel, V.P.O Spin
Khak, R/S Pabbi Cherat Road, (Nowshera)
Contact: 0313-9268416 & 0313-5690358

Copy forwarded to:

PS to Account General, Khyber Pakhtunkhwa with a request to redress my grievances please

ATTESTED

10
Annexure "C"
2



GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No. AO/E&SE/5-27/2021/PP/Nowshera
Dated Peshawar the January 27th, 2021

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Department,
Peshawar.

**Subject: ANOMALIES IN THE PENSION OF EMPLOYEES RETIRED
AFTER 01-07-2005 TO 30-06-2006.**

Dear Sir,

I am directed to refer to the subject noted above and enclose herewith a copy of self-explanatory application received from Mr. Bagh Zamin, Ex-Headmaster, R/O Mohellah Rasheed Khel, V.P.O Spin Khak, R/S Pabbi Cherat Road, Nowshera for consideration as per rules/ policy, please.

Yours Faithfully,

Encl: as above:

(ABDUL GHAFFAR)
SECTION OFFICER (ACCOUNTS)

Endst: of even No. & date:

Copy forwarded to:

1. Mr. Bagh Zamin, Ex-Headmaster, R/O Mohellah Rasheed Khel, V.P.O Spin Khak, R/S Pabbi Cherat Road, Nowshera.

SECTION OFFICER (ACCOUNTS)

ATTEST



(08) Annexure "D"

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

NO.FD/SOSR-II/4-36/2019/54
Dated Peshawar the 18.02.2021

To
✓ The Secretary to Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department.

Subject:- ANOMALIES IN THE PENSION OF EMPLOYEES RETIRED AFTER
01.07.2005 TO 30.06.2006.

Dear Sir,

I am directed to refer to your department's letter No.AO/E&SE/5-27/2021/PP/Nowshera dated 27.01.2021 on the subject noted above and to state that the following documents of both officers are required in the subject matter for proceeding further in the matter.

- i. Seniority List.
- ii. Appointment Order.
- iii. Promotion/Upgradation Order.
- iv. Charge Relinquish Report.
- v. Charge Assumption Report.
- vi. Penalty imposed (if any).
- vii. Extra-Ordinary Leave Period.
- viii. Copy of CNIC.
- ix. Personal Number.
- x. Pension Payment order issued by Account Office.

SS
23/2

ASEC
29/02

Yours faithfully,

M
(Muhammad Ilyas)
SECTION OFFICER (SR.II)

2375 DC(Budget)
2314 SO(ACCT.)

79/2/21

(2) Annexure 'E'



GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No. AO/E&SE/5-27/2021/PP/Nowshera
Dated Peshawar the March 3rd, 2021

To

Mr. Bagh Zamin, Ex-Headmaster,
R/O Mohallah Rasheed Khel, V.P.O Spin Khak, R/S Pabbi Cherat Road,
Nowshera.

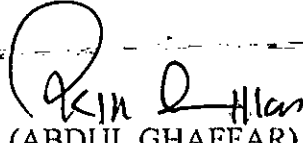
**Subject: ANOMALIES IN THE PENSION OF EMPLOYEES RETIRED
AFTER 01-07-2005 TO 30-06-2006.**

Dear Sir,

I am directed to refer to your application dated 12-01-2021, on the subject noted above and to enclose herewith a copy of Finance Department letter No. FD/SOSR-II/4-36/2019/54, dated 18-02-2021, for provision of the requisite documents, please.

Yours Faithfully,

Encl: as above:


(ABDUL GHAFFAR)
SECTION OFFICER (ACCOUNTS)

ATTESTED

(13)

Annexure "F"

Mr. Abdul Ghaffar,
Section Officer (Accounts),
Elementary & Secondary Education Department, Govt. Khyber Pakhtunkhwa.

[Handwritten Signature]
8/11/2021

Subject: ANOMALIES IN THE PENSION OF EMPLOYEES RETIRED AFTER 01-07-2005 TO 30-06-2006.

Dear Sir,

This is in reference with your letter No. AO/E&SE/5-27/2021/PP/Nowshera dated 3rd March, 2021 on the subject cited above and to enclose herewith all the requisite documents for onward submission to the quarter concerned for further processing please:

S.No.	Nature of Documents Required	In Respect of Bagh Zamin	In Respect of Mr. Fazal Ahmad
1	Seniority List	S.No. 32 of Seniority List	Being junior not included in the list
2	Appointment Order	Promoted as H.M to G.H.S. Jabbi (NSR) vide Endstt. No. 7451-777/A-12 dated 30.08.19997. (Copy of the said order is not available in any school and DEO (NSR). however, transfer order to G. H.S Jaroba is attached, charge assumption report also attached.)	Promoted as H.M to GHS Khaisari (NSR) vide Endsst. No. 845-848 dated 05.06.2003.
3	Promotion & Up-gradation Orders	As above at S. No. 2	As above at S. No. 2
4	Charge relinquish	Attached	Attached
5	Charge Assumption	Attached	Attached
6	Penalty if any	Nil, according to history sheet issued by DAO (NSR)	Nil, according to history sheet issued by DAO (NSR)
7	Extra Ordinary Leave	Nil as above	Nil as above
8	Copy of CNIC	17201-215868-5 attached	17301-1343435-5
9	Pension Number	00135197	00539326
10	Pension Payment Order	Attached	Attached

Yours Truly,

[Handwritten Signature]
Bagh Zamin (Head Master) (Retd).
Mohallah Rasheed Khel, V.P.O Spin
Khak, R/S Pabbi Cherat Road, (Nowshera)
Contact: 0313-9268416 & 0313-5690358.

Copy forwarded to Mr. Muhammad Ilyas, Section Officer (SR-II), Finance Department, Khyber Pakhtunkhwa for necessary action please.

[Handwritten Signature]
Bagh Zamin (Head Master) (Retd).

ATTESTED

Reminder No 1. DATED 26-05-2021 (14)

Annexure 'G'

To,

Mr. Abdul Ghaffar,
Section Officer (Accounts),
Elementary & Secondary Education Department, Govt. Khyber Pakhtunkhwa.

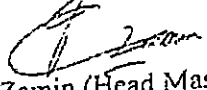
Subject: ANOMALIES IN THE PENSION OF EMPLOYEES RETIRED AFTER
01-07-2005 TO 30-06-2006.

Dear Sir,

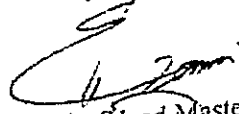
Kindly refer my previous correspondence via letter No. nill dated 08.04.2021(F/A) on the above mentioned subject and to say that I have not yet been informed of any updates on my request regarding removal of anomalies in my pension even after one and half time.

It is, therefore, once again requested that my case may kindly be considered on priority basis for which I shall be thankful.

Yours Truly:


Bagh Zamin (Head Master) (Retd).
Mohallah Rasheed Khel, V.P.O Spin
Khak, R/S Pabbi Cherat Road. (Nowshera)
Contact: 0313-9268416 & 0313-5690358.

Copy forwarded to:
Mr. Muhammad Ilyas, Section Officer (SR-II), Finance Department, Khyber Pakhtunkhwa
for necessary action please.


Bagh Zamin (Head Master) (Retd).
Mohallah Rasheed Khel, V.P.O Spin
Khak, R/S Pabbi Cherat Road. (Nowshera)
Contact: 0313-9268416 & 0313-5690358.

ATTESTED

(15)

Annexure "H"



GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No. AO/E&SE/5-27/2021/PP/Nowshera
Dated Peshawar the June 12th, 2021

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Department,
Peshawar.

Attention: Section Officer (SR-II)

Subject: ANOMALIES IN THE PENSION OF EMPLOYEES RETIRED
AFTER 01-07-2005 TO 30-06-2006.

Dear Sir,

I am directed to refer to Finance Department letter No.FD/SOSR-II/4-36/2019/54,
dated 18-02-2021 on the subject noted above and to enclose herewith the requisite documents for
proceeding further into the matter, please.

Yours Faithfully,

Encl: as above:

(ABDUL GHAFFAR)
SECTION OFFICER (ACCOUNTS)

Endst: of even No. & date:

Copy forwarded to:

1. Mr. Bagh Zamin, Ex-Headmaster, R/O Mohellah Rasheed Khel, V.P.O Spin Khak, R/S Pabbi Cherat Road, Nowshera.

SECTION OFFICER (ACCOUNTS)

~~ATTACHED~~

16 Annexure "I"



GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No. AO/E&SE/5-27/2021/PP/Nowshera
Dated Peshawar the July 5th, 2021

To

Mr. Bagh Zamin, Ex-Headmaster,
R/O Mohallah Rasheed Khel, V.P.O Spin Khak, R/S Pabbi Cherat Road,
Nowshera.

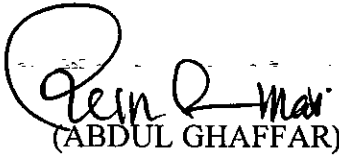
**Subject: ANOMALIES IN THE PENSION OF EMPLOYEES RETIRED
AFTER 01-07-2005 TO 30-06-2006.**

Dear Sir,

I am directed to refer to your application dated 12-01-2021, on the subject noted above and to enclose herewith a copy of Finance Department letter No. SOSR-II/FD/4-36/2019/54, dated 30-06-2021, for information, please.

Yours Faithfully,

Encl: as above:


(ABDUL GHAFFAR)
SECTION OFFICER (ACCOUNTS)

~~ATTESTED~~

17

Annexure "J"

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



NO.SOSR-II/FD/4-36/2019/54
Dated Peshawar the 30.06.2021

To
The Secretary to Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department.

Subject:- **ANOMALIES IN THE PENSION OF EMPLOYEES RETIRED AFTER 01-07-2005 TO 30.06.2006.**

Dear Sir,

I am directed to refer to your department's letter No.AO/E&SE/5-27/2021/PP/Nowshera dated 12.06.2021 on the subject noted above and to state that the Revised Basic Pay Scales, 2005 by replacing the Basic Pay Scales, 2001 was sanctioned vide Government of Khyber Pakhtunkhwa, Finance Department Circular Letter No.FD(PRC)1-1/2005 dated 09.07.2005 Para-13, 14 & 15 provides is as follows:-

Para-13 "An increase @10% shall be allowed on the amount of pension being drawn by the existing pensioner as well as to those Government Servants who would draw pension under the Revised Basic Pay Scales, 2005"

Para-14 "The increase allowed on pension @15% and 8% w.e.f 01.07.2003 and 01.07.2004 respectively shall not be admissible to the Government Servants who would draw pension under the revised Basic Pay Scales, 2005"

Para-15 "An option in writing from employees within 60 days may be obtained either to continue to draw salary in the existing basic Pay Scales in which he is already drawing or in the Revised Basic Pay Scales and pension / commutation scheme, 2005. Option once exercised shall be final" (copy enclosed).

However, as per record, Mr.Bagh Zamin pensioner has accepted the Revised Basic Pay Scales and pension / commutation scheme, 2005. In case, he opted for retaining the Basic Pay Scales, 2001 till retirement i.e 01.02.2006, then no question of differences in pensionary benefits would be raised.

Encl: As above

ATTESTED

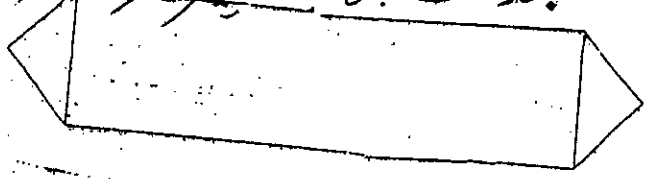
Yours faithfully,

36416
27
DS (Bulset)
Si (A)

AS (G)
27/7/2021

(Muhammad Ilyas Khattak)
SECTION OFFICER (SR.II)

بعدالت جناب صاحب جسٹس خواجہ کرم علی صاحب



2021ء منجانب ایڈووکیٹ
باغ زمین بنام KPMK گریڈنٹ

مورخہ 28.09.2021

مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی کے صاحب جسٹس کا کاروائی کا متعلقہ
 کیلئے سیف اللہ داؤد زئی ایڈووکیٹ
 آن مقام میں مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ نیز
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
 اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
 مقدمہ مذکور 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 بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
 اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے
 سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد کے باہر کے مقدمہ کی کل صاحب پابند ہوں
 گے۔ کہ پیروی مذکور کریں۔ لہذا کالت نامہ لکھ دیا کہ سندر ہے۔

باغ زمین ایڈووکیٹ

2021

ستمبر

ماہ

28

الرقوم

العہدہ
مقام
کے لئے منظور ہے۔

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, P.B
PESHAWAR.

No.

APPEAL No..... 7507 of 20 21

Bagh Zamin

Appellant/Petitioner

Versus

The Govt of KP Chief Secy.

RESPONDENT(S)

Notice to Appellant/Petitioner

Bagh Zamin (Headmaster)
(Rtd) R/O Mohalla Rahmed Khel Near CHSS
Speen Khak Chorah Road Jabbi New Shera

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 14/1/22 at 9 am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.



Registrar

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing 358 -p/2022

In case No. 5707 -p/2021

BAGH Zamin Vs Govt of KPK

Presented by Sayyidullah Dandzai on behalf of Appellant. Entered in the relevant register.

Put up alongwith main case _____

REGISTRAR

Last date fixed	<u>23-2-2022</u>
Reason(S) for last adjournment, if any by the Branch Incharge.	<u>Service Tribunal is de Junct</u>
Date(s) fixed in the similar matter by the Branch Incharge	<u>NFA</u>
Available dates Readers/Assistant Registrar branch	<u>NFA</u>

A mm
18/01/22
Assistant Registrar

REGISTRAR


Sir,

PUC is an application submitted by Mr. *Saij Ullah* in
Appeal No: *7507/21*, wherein he has requested for early fixation/hearing of
appeal. *Bagh Zamir*

It is submitted that huge pendency of cases are lying in this tribunal however the
appellant can be accommodated on the following dates as per diary.

S.No: Dates on which such appeal can be fixed. *on 21/04/2022*
Sir, Appellant is 76 years old

Submitted for appropriate order, Please.


Registrar

Hon'ble Chairman

To

The Registrar,
Services Tribunal,
K.P.K. Peshawar.



Subject: HEARING OF APPEAL No. 7507 of 2021.

Sir,
Ref: your abovementioned notice, 1st hearing
of my appeal was fixed on 14.1.2022 which was
postponed to 24-02-2022, again postponed to 19⁵/₂₀₂₂

Sir, I want to draw your kind attention to the following points
That I am an old man of 76 year (i) A chronic Patient
of "Asthma" disease for the last 50 years - (ii) attacked
by "Corona" in 12/2021. Due to the above I am so weak
that I cannot walk even for Ten yards. According
to a proverb "I am ^{hanging} ~~lying~~ my feet/legs in the grave".
My clard says (Urdu poet) - "بسے" "ع" - "س" "ب" "ک"

Therefore it is requested that the hearing of my appeal
may pl. be accelerated. It may please be decided
at your earliest moment please. I shall be thankful
to you if I see my appeal be decided in the very
near future. I shall pray for your success for ever.

Dated 2.3.2022.

Your's obediently,

Er Amir
2/3/2022

Bagh-Zomin (Head Master)
village & P/O Spin-Khak,
Teh: Pabli, Distt: (Nsr)

Put up to the court with
relevant appment.

Amir
7/3/2022



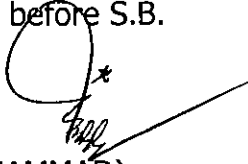
Registrar.

Form- A

FORM OF ORDER SHEET

Court of _____

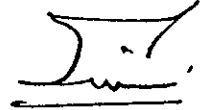
Case No.- 7507 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/10/2021	<p>The appeal of Mr. Bagh Zamin resubmitted today by Mr. Saifullah Daudzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>06/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	06.12.2021	<p>None for the appellant present.</p> <p>Notices be issued to the appellant and his counsel. Adjourned. To come up for preliminary hearing on 14.01.2022 before S.B.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

14.01.2022

Appellant in person present.

Being Chairman of Departmental Selection Committee, I am busy in Administrative work regarding recruitment, therefore, to come up for preliminary hearing on 23.02.2022 before the S.B.



(Salah-Ud-Din)
Member (J)

23.02.2022

Due to retirement of the Hon'able Chairman, the case is adjourned to 19.05.2022 for the same before D.B.



Reader

19.05.2022

Learned counsel for the appellant present and requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for preliminary hearing on 18.07.2022 before S.B.



(Mian Muhammad)
Member (E)