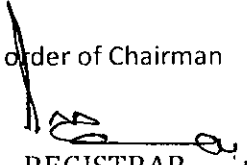


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1151/2022 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/07/2022	<p>The appeal of Mr. Muhammad Waqas presented today by Mr. Umar Farooq Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on . Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

HYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

CHECK LIST

Muhammad Waqas
..... Appellant

Versus

Higher Education Deptt
..... Respondents

	<u>CONTENTS</u>	<u>YES</u>	<u>NO</u>
0	This petition has been presented by: <u>Advocate</u> <u>Court</u>	√	
	Whether Counsell/Appellant/Respondent/Deponent have signed the requisite documents?	√	
	Whether appeal is within time?	√	
	Whether the enactment under which the appeal is filed mentioned?	√	
	Whether the enactment under which the appeal is filed is correct?	√	
	Whether affidavit is appended?	√	
	Whether affidavit is duly attested by competent Oath Commissioner?	√	
	Whether appeal/annexures are properly paged?	√	
	Whether certificate regarding filing any earlier appeal on the subject, furnished?	√	
0.	Whether annexures are legible?		
1.	Whether annexures are attested?	√	
2.	Whether copies of annexures are readable/clear?	√	
3.	Whether copy of appeal is delivered to AG/DAG?	√	
4.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	√	
5.	Whether numbers of referred cases given are correct?	x	
6.	Whether appeal contains cutting/overwriting?	√	
7.	Whether list of books has been provided at the end of the appeal?	√	
8.	Whether case relate to this court?	√	
9.	Whether requisite number of spare copies attached?	√	
0.	Whether complete spare copy is filed in separate file cover?	√	
1.	Whether addresses of parties given are complete?	√	
2.	Whether index filed?	√	
3.	Whether index is correct?		
4.	Whether Security and Process Fee deposited? On _____		
5.	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 _____	√	
6.	Whether copies of comments/reply/rejoinder submitted? On _____		
7.	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

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

Name:- UMAR-PARSON AHC

Signature:- 

Dated:- 22/7/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1157 /2022

MUHAMMAD WAQAS VS EDUCATION DEPARTMENT

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal & Affidavit	1-4
2.	Appointment order	A	5
3.	Transferred order	B	6
4.	Arrival Report	C	7
5.	Salary slip & Departmental appeal	D & E	8-9
6.	Vakalatnama	

APPELLANT

THROUGH: 

UMAR FAROOQ MOHMANDS
ADVOCATE

①

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

APPEAL NO. _____/2022.

Mr. Muhammad Waqas, Waiter/Naiq Qasid (BPS-3),
Government Degree College Jamurd, District Khyber.

..... **APPELLANT**

VERSUS

- 1- The Director Higher Education Khyber Pakhtunkhwa, Peshawar.
- 2- The District Account Officer, District Khyber.
- 3- The Principle Government Degree College Jamurd, District Khyber.
- 4- The Principle Government Frontier College For Women, Peshawar.

..... **RESPONDENTS**

SERVICE APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED INACTION OF THE RESPONDENTS BY NOT RELEASING THE MONTHLY SALARIES OF THE APPELLANT W.E.F. 1/6/2021 TILL DATE AND AGAINST NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the respondents may kindly be directed to release the monthly salaries of the appellant w.e.f. 1-06-2012 till date. Any other remedy which this August Tribunal deems fit that may also be awarded in favour of the appellant.

**R. SHEWETH:
ON FACTS:**

- 1- That the appellant is the employee of respondents and was appointed as Waiter BPS-03 after fulfilling all the codal & legal formalities required for the post vide order dated 7-12-2017. Copy of Appointment Order dated 7-12-2017 is attached as **Annexure A.**
- 2- That appellant after taking over the charge of his post the appellant started performing his duty quite efficiently whole heartedly and upto the entire satisfaction of his high ups.

- 3- That the while performing his duty the appellant has been transferred from Government Frontier College for Women to Government Degree College Jamurd District Khyber through order dated 14-7-2021.. Copy of the order dated 17-4-2021 is annexed as annexure **B.**
- 4- That in respect to ibid transferred order the appellant submitted his arrival report and started performing his duty with zeal and zest. Copy of arrival report is attached as annexure.....**C.**
- 5- That finally in May 2021 the salary of the appellant was issued and after that astonishingly the salary of the appellant stopped without any cogent reason against which the appellant filed Departmental Appeal which is not responded till date. Copies of Salary Slip and Departmental Appeal dated are attached as annexure**D & E.**
- 6- That feeling aggrieved from the inaction of the respondents by not releasing the salaries the appellant preferred the instant service appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned inaction of the respondents by not releasing the salaries of the appellant since 1.06.2021 till date is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the concerned authority in accordance with law and rules and as such the authority violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the appellant is still performing his duties and the inaction of the respondents by not releasing his salaries is amounting to forced labour which is the blatant violation of the Article 11 of the Constitution of Pakistan, 1973.
- D- That the respondents discriminated the appellant by not releasing the monthly salaries of the appellant.
- E- That the inaction of the respondents by not releasing the monthly salaries of the appellant is against the norms of natural justice.
- F- That the inaction of the respondents by not releasing the monthly salaries of the appellant is arbitrary and malafide.

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

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

Dated:

APPELLANT *MW*

MUHAMMAD WAQAS

THROUGH

UF
UMAR FAROOQ MOHMAND

KAMRAN KHAN *Ku*

**&
UZMA SAYED
ADVOCATES, PESHAWAR**

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2022

MUHAMMAD WAQAS VS EDUCATION DEPARTMENT

AFFIDAVIT

I, Muhammad Waqas s/o Mehboob Khan R/O Shaolbar Qamer Khel Tehsil Bara District Khyber (Appellant); do hereby solemnly affirm that the contents of this **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

(Signature)

DEPONENT

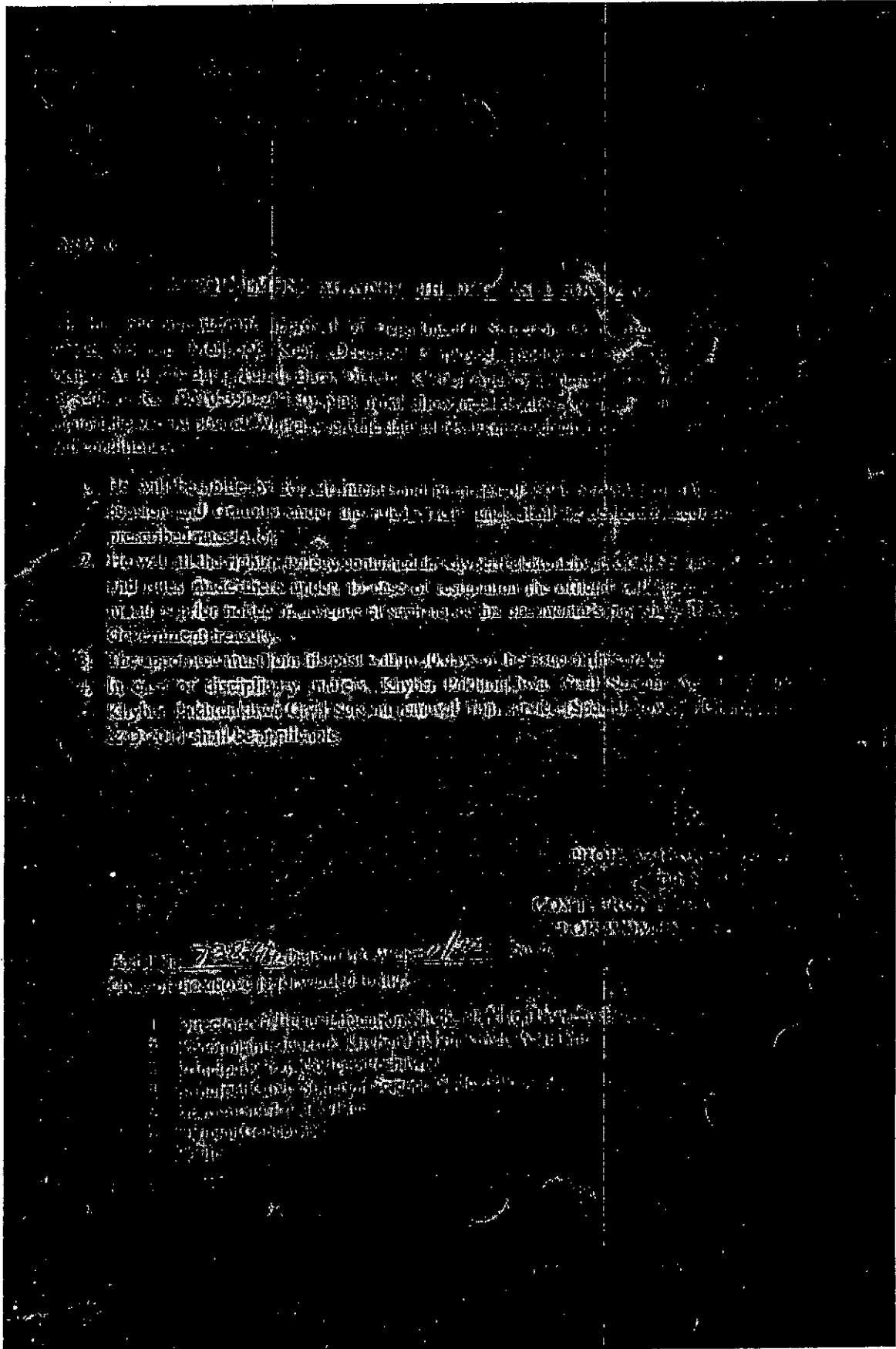
CNIC NO. 21201-8730973-9
CELL: 0312-0991919

IDENTIFIED BY

(Signature)

UMAR FAROOQ MOHMAND
Advocate
High Court, Peshawar

A. 5



ARTICLE 10. THE BOARD OF SUPERVISORS SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

1. To receive and report to the people of this county the condition of the county and the means for the improvement thereof.

2. To make and alter the county seal and to cause the same to be engraved and used.

3. To make and alter the county flag and to cause the same to be made and used.

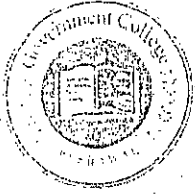
4. To make and alter the county motto and to cause the same to be made and used.

ADOPTED AND PASSED AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, THIS 15TH DAY OF MARCH, 1915.

W. B. WILSON, Chairman

- 1. To receive and report to the people of this county the condition of the county and the means for the improvement thereof.
- 2. To make and alter the county seal and to cause the same to be engraved and used.
- 3. To make and alter the county flag and to cause the same to be made and used.
- 4. To make and alter the county motto and to cause the same to be made and used.

to be filed with the County Clerk



B (6)



OFFICE OF THE PRINCIPAL GOVERNMENT COLLEGE PESHAWAR

OFFICE ORDER

In exercise of power conferred in the 3rd meeting of Provincial Management Council (PMC), the Competent Authority is pleased to transfer the services of Muhammad Waqas, Waiter (BPS-03) from Government Frontier College for Women Peshawar to Government Degree College Jamrud District Khyber against the vacant post of Naib Qasid (BPS-03) on his own pay & scale in the best public interest.

Note:-

1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned.


(Professor Dr. Taj Ud Din)
JMC Co-ordinator Peshawar


Endst No. 274-79 /GFC (W) File

Dated 14/07/2021

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

- 1) Accountant General Khyber Pakhtunkhwa Peshawar.
- 2) District Account Officer District Khyber
- 3) Director Higher Education, Khyber Pakhtunkhwa Peshawar
- 4) Principal Govt Frontier College (W) Peshawar with the remarks to release the pay of Official concerned and relived him from duty immediately.
- 5) Principal Govt Degree College Jamrud district Khyber.
- 6) Official concerned.


to be transferred to
Accountant


Principal
Govt College Peshawar


C-7

CERTIFICATE OF TRANSFER OF CHARGE

In Compliance with the JMC (Co-ordinator) Peshawar Office order bearing
No. 274-79/GFC (W) dated 14-07-2021 (Muhammad Waqas Waizer (BPS 03)
transferred from Govt: Frontier College for Women Peshawar, hereby submit my arrival for
duty and take over the charge against the existing vacant post of N/Qasid (BPS 03) at Govt
Degree College Jamrud, on 17-07-2021 (F.N).

Station: GDC Jamrud, Khyber

Dated: 17-07-2021

Signature of receiving: 

Government Servant: Muhammad Waqas

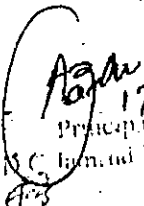
Designation: N/Qasid (BPS-03)


Dated 17/07/2021.

Order No. 566-71/ GDC Jamrud, Khyber,

Copy forwarded to:-

1. Director Higher Education Department Khyber Pakhtunkhwa
2. Accountant General Khyber Pakhtunkhwa
3. JMC Co-ordinator Principal Govt: College Peshawar w/r to his office
order bearing No. referred to above.
4. Principal Govt: Frontier College (w) Peshawar
5. District Accounts Officer, Jamrud, Khyber.
6. Official Concerned.


17/7/2021
Principal
GDC Jamrud Khyber

 ATTESTED
to be true copy
Advocate

(D) 8

Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (May-2021)



Personal Information of Mr MUHAMMAD WAQAS d/w/s of MEHBOOB KHAN

Personnel Number: 00879831 CNIC: 2120187309739 NTN:
Date of Birth: 14.05.1994 Entry into Govt. Service: 08.12.2017 Length of Service: 03 Years 05 Months 025 Days

Employment Category: Active Permanent

Designation: WALTER 80003872-GOVERNMENT OF KHYBER PAKH

DDO Code: PR4157-PRINCIPAL GOVT:FRONTIER COLLEGE FOR WOMEN PESHAWAR.

Payroll Section: 008

GPF Section: 004

Cash Center:

GPF A/C No:

Interest Applied: Yes

GPF Balance:

24,551.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil

BPS: 03

Pay Stage: 3

Wage type	Amount	Wage type	Amount
0001 Basic Pay	10,780.00	1001 House Rent Allowance 45%	2,120.00
1210 Convey Allowance 2005	1,785.00	1300 Medical Allowance	1,500.00
2211 Adhoc Relief All 2016 10%	804.00	2224 Adhoc Relief All 2017 10%	1,078.00
2247 Adhoc Relief All 2018 10%	1,078.00	2264 Adhoc Relief All 2019 10%	1,078.00

Deductions - General

Wage type	Amount	Wage type	Amount
3003 GPF Subscription	-770.00	3501 Benevolent Fund	-600.00
3990 Emp.Edu. Fund KPK	-60.00	4004 R. Benefits & Death Comp	-300.00

Deductions - Loans and Advances

Loan	Description	Prinelpal amount	Deduction	Balance
------	-------------	------------------	-----------	---------

Deductions - Income Tax

Payable: 0.00 Recovered till MAY-2021: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 20,223.00 Deductions (Rs.): -1,730.00 Net Pay: (Rs.): 18,493.00

Payee Name: MUHAMMAD WAQAS

Account Number: 250381344

Bank Details: UNITED BANK LIMITED, 210053 PESHAWAR CITY PESHAWAR CITY, Peshawar

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: PESHAWAR

Temp. Address:

City:

Domicile: -

Email: waqasafridi42010@gmail.com

Housing Status: No Official

System generated document in accordance with APPM 4.6.12.9(82882/21.05.2021/v3.0)

* All amounts are in Pak Rupees

* Errors & omissions excepted (SERVICES/31.05.2021/21:11:17)

(Handwritten signature)

10/05/2021

E, (9)

To,

The principle Govt Degree College Jamrud distrikt Kyber

Subject: Application for the release of monthly salaries of the Applicant w.e.f 1.6.2020 till date

R/Siv,

It is humbly stated that the Applicant has been appointed as Master B.P.S 03 in the Government Frontier College for Women Peshawar in the year 2017. The Applicant is a hard working and a duty loyal person, performing his duties quite efficiently.

That during service the Applicant has been transferred at various stations and lastly transferred from to Govt Degree College Jamrud Kyber and performing his duties Regularly.

That till may 2021 the Applicant regularly receiving his monthly salaries. But w.e.f 1/6/2021 the salary of the Applicant has been stopped till date without any reason and justification. That Applicant belong from a very poor family and the only person to support that family.

It is therefore requested to release the monthly salaries of the Applicant w.e.f 1/6/2021 till date.

Worsham Wars
Wazir/Checked

Date 15/4/2022

[Signature]

GOVERNMENT FRONTIER COLLEGE FOR WOMEN PESHAWAR

VAKALATNAMA

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

_____ OF 2022

Muhammad Waqas

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Dept

(RESPONDENT)
(DEFENDANT)

I/We Muhammad Waqas

Do hereby appoint and constitute **UMAR FAROOQ MOHMAND, 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. _____/_____/2022



CLIENT

ACCEPTED



UMAR FAROOQ MOHMAND

By

KAMRAN KHAN

&

**UZMA SAYED
ADVOCATES**