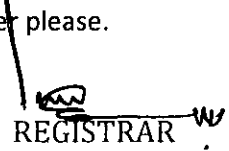




Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 259/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/03/2022	<p>The appeal of Mr. Attaullah resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	<p><i>Noted</i> <i>8/4/2022</i> <i>Noor Mohd Khattak</i></p>	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>08-04-2022</u></p> <p>CHAIRMAN</p> <p>Counsel for the appellant present and requested for adjournment. Request accepted. Last chance is given. To come up for preliminary hearing on 6/6/2022 before S.B.</p> <p> CHAIRMAN</p>
	06.06.2022	<p>Junior to counsel for the appellant present.</p> <p>Lawyers are on general strike, therefore, case is adjourned to 27.07.2022 for preliminary hearing before S.B.</p> <p> (Rozina Rehman) Member (J)</p>

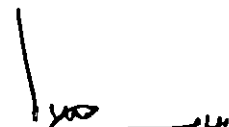
Alta ulah

The appeal submitted by Mr. Noor Muhammad Khattak Advocate today i.e. on 09.02.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of impugned order dated 14.07.2021 against which appellant made departmental appeal is not attached with the appeal which may be placed on it.
- 2- Copy of departmental is not attached with the spare copies which may be placed on it.

No. 349 /S.T,

Dt. 11/02 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.


The impugned order dated 14-07-2021 was not provided to the appellant rather the monthly salary of the appellant has been stopped against which the appellant filed Department Appeal, which has already been placed on file.

Re-Submitted after doing needful.




Requested for further time to removed the objection no 1 & 2.

with all 138 cases.


25/2/22

As per records of the Council 15 days ~~time~~ are further extended

for 
25/2/22

Impugned order dt 14-7-2021 was attached as annexure D Page 8/A. (P.T.O)

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: *Ahmedullah*

V/S

Health

DEPTT:

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: NOOR MOHAMMAD KHATTAK	✓	
2	Whether Counsel/Appellant/Respondent/Deponents 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?	x	✓
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?	x	✓
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: **NOOR MOHAMMAD KHATTAK**

Signature: _____

Dated: _____

2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 259 /2022

ATTAULLAH KHAN

V/S

HEALTH DEPTT:

I N D E X

S.N O	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1 - 3
2	Affidavit	4
3	Appointment order dt: 24.09.2013	A	5
4	Medical certificate	B	6
5	Arrival report	C	7
6	Pay slip	D	8
7	Departmental appeal	E	9
8	Wakalat Nama	10

Dated: _____ .2022

APPELLANT

Through:

NOOR MOHAMMAD KHATTAK
ADVOCATE
0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 259 /2022

Diary No. 166
Dated 08/02/2022

Mr Attaullah Khan, Malaria Supervisor,
DHO Office, NWTD.

..... **APPELLANT**

VERSUS

- 1- The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
- 2- The District Health Officer, Tribal District Miranshah.

..... **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 WITH EFFECT FROM 24-09-2013 I.E FROM THE DATE OF REGULARIZATION OF SERVICE 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 24-09-2013 till date with all consequential benefits. 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 was initially appointed as Malaria Supervisor in the respondent Department w.e.f 24-09-2013. Copy of appointment order is attached as annexure **A.**

- 2- That after appointment the appellant was medically examined and declared fit by the concerned authority and after being fit the appellant submitted his arrival report to the concerned office. Copy of medical certificate and arrival report is annexed as annexure..... **B&C.**

- 3- That the appellant started performing his services with zeal and zest and up to the entire satisfaction of his superiors.

8/2/2022

Re-submitted to -day and filed.

01/03/2022

- 4- That unfortunately the salaries of the appellant have been stopped w.e.f 24-09-2013 i.e., from the date of regularization till date without any legal justification against which the appellant has submitted applications time and again. That it is very pertinent to mention the pay bills have been passed after regularization of the appellant but till date the said bills have not been released to the appellant. Copies of the pay bills are attached as annexure.....**D.**
- 5- That feeling aggrieved from the inaction of the respondents by not releasing the salaries, the appellant filed Departmental appeal but no reply has been received so far. Hence the instant appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure **E.**

GROUND:

- A- That the impugned inaction of the respondents by not releasing the salaries of the appellant since regularization 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 the inaction of the respondents by not releasing monthly salaries of the appellant w.e.f. regularization till date is against section 17 of the Civil Servant Act, 1973.
- H- 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: ____ . ____ .2022

APPELLANT
اپیلاٹ
ATTAULLAH KHAN

THROUGH:

NOOR MOHAMMAD KHATTAK

Haider Ali
HAIDER ALI
ADVOCATES, PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

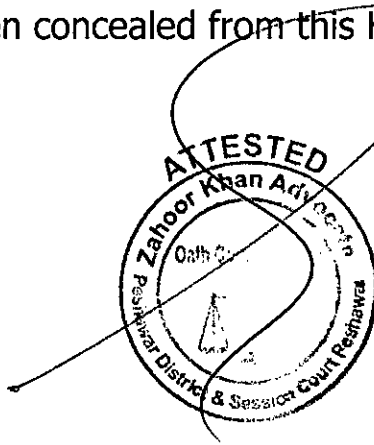
ATTAULLAH KHAN

VS

HEALTH DEPTT:

AFFIDAVIT

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



Zahoor Khan
DEPONENT

CERTIFICATE:

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.

CERTIFICATION

[Signature]

ANNEX A

(5)

OFFICE OF THE AGENCY SURGOEN
NORTH WAZIRISTAN MIRANSHAH.
PHONE & FAX: 0928-300788.

OFFICE ORDER:

On the recommendation of Departmental Selection committee, Mr. Attaullah Khan S/O Taj Muhammad resident of Dawar Hamzoni Ali Khel Tehsil & P/O Miranshah is hereby appointed as a Malaria Supervisor (MP) in BPS-09 (6200-380-17600) plus usual allowances as admissible under the rules against the existing vacant post under the control of the undersigned in the best interest of public services with immediate effect.

His appointment shall be subjected on the following terms and conditions.

- 1- He is declared medically fit for this job.
- 2- His appointment will be purely on contract /temporary basis and are liable to be terminated at any time without assigning any notice/reasons.
- 3- He will be governed by such rules and order issued by the Government from time to time for the category of staff to which he belongs.
- 4- If he wished to resign the services a prior notice of 30 days will be submitted, otherwise one month pay should be deposited in Government treasury through challan.
- 5- His pay will be released after the verification of all the documents from the required Board /Faculty according to the Government rules.
- 6- He will not be entitled for any TA/DA for joining the service.
- 7- If he accepts the above terms and condition he will have to report for duty to the Superintendent Malaria Section within 15 days of the receipt of this offer, otherwise the order will be considered as cancelled.

Sd:xxxxxxxxxxxxxx

Agency Surgeon
North Waziristan Miranshah

No. 2622-30 /App: dated: Miranshah the: 24 / 09 /2013.

Copy forwarded to the:-

1. Agency Account officer North Waziristan Miranshah.
2. Accounts/Pay Bill Clerk of this office.
3. Official concerned.

For information and necessary action.


Agency Surgeon
North Waziristan Miranshah

N.W.F.P Med No.4

GS&PD-NWFP-27IS-2000 P of 100-29-7-98--- (16)

MEDICAL CERTIFICATE

Name of Official Attallah Khan

Caste or race Muslim

Father's Name Taj Muhammad

Residence. village Dawat Hamzoni Ali Khel
Tehsil & P/O Miranshal NWA

Date of Birth. 01-04-1992

Exact height by measurement. 4-3

Personal Mark of Identification. Nil

Signature of the Official. [Signature]

Signature of head of Office. Report for duty today ok

Seal of Office



I do hereby certify that I have examined Mr./M^{rs}. Attallah Khan

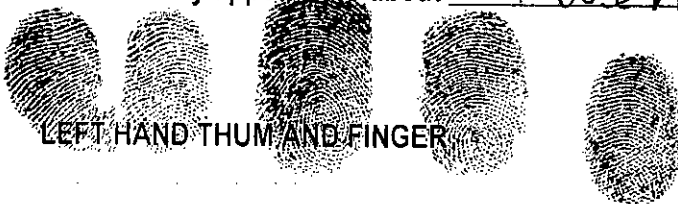
Candidate for employment in the Office of the Health Dept.

And can not discover that he/She had any disease communicable or other constitutional effect join or bodily infirmity except. Nil

I do not consider this as disqualification for employment in this office of the

Health Dept. his/her age according to his own statement. 21

Years and by appearance about Twenty one years.



LEFT HAND THUMB AND FINGER

IMPRESSION 26/09/2013



ANNEX

C

7

To

The Agency Surgeon,
North Waziristan Agency Miranshah.

Subject: Arrival Report.

R/Sir,

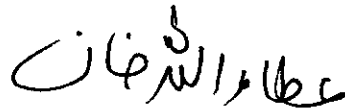
In compliance with the Agency Surgeon, NWA office order
No. 2623-30 /App: dated 24 /109 2013.

I have the honour to submit herewith my arrival report for duty as a
Malaria Supervisor BPS-09 today on 27/09 /2013 FN.

Dated: 27/09/2013.

Thanks


Agency Surgeon,
North Waziristan Agency,
Miranshah



Yours Obediently,

Aftabullah Khan
Malaria Supervisor
BPS-09
Agency Surgeon
Office NWA.

OFFICE OF THE DISTRICT HEALTH OFFICER NORTH WAZIRISTAN MIRANSHAH

ANNEX D

CNIC# 2150679461617

Date of Birth 01/04/1992 Date of Apptt: 24/09/2013
 Name Abdullah Khan F/Name Taj Muhammad
 Grade 12 Designation Malaria Supervisor
 GP Fund A/C No _____ Cash Center MW6005

Department: Health Department DD Code: MW6005

B.Pay Scale 19080/=

Religion: Islam

Permanent Add: Hamzani Al Khel NWTD

Code	Pay & All:	Regular 1-7-2021	Adj for 1/4/2015 to 31/7/2020
0001	AO1151 Pay	19080	1183925
1000	AO1202 HRA	1961	128940
1210	Convene Allowance	2856	209496
1300	MA	1500	117,900
1528	UAA	1500	117,900
2209	HPA	10000	680,000
2151	AO121TAR15% (2013)	329	--
	AR10%(2015)	243	26,828
	AR10% (2016)	1274	82,410
2211	AR-10% NEW	1908	91,140
2224	AR-10% NEW	1908	91,140
2247	AR-10% NEW	1908	91,140
G:Total		44467	0
Ded:		3420	0
Net Total		41047	2,820,819

Code	Deduction	
3012	GP Fund	2220
3501	BF	600
4004	R&B	600
Total:		3420

Signature of Employee [Signature]

1. Certified that the Employee mentioned above is regular attendance and have not been proceeded abroad Pakistan.
2. All the particulars mentioned above are correct and the service book attached with the proforma is original and has been signed upto date by the DDO Concerned.
3. Certified that CNIC issued by NADARA has been verified and found correct.

Entered/Checked By _____

Signature & Seale _____

District Account Officer
NWTD Miranshah.

[Signature]
District Health Officer
NWTD Miranshah
District Health Officer
NWTD Miranshah

8/4

DIRECTOR GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

**OFFICE OF THE DISTRICT HEALTH OFFICER NORTH
WAZIRISTAN TRIBAL. DISTRICT MIRANSHAH**

No Accounts Miranshah Dated the 14.07.2021

To,

The District Accounts Officer
North Waziristan TD Miranshah

SUBJECT, AUTHORITY/ PROCESSING OF ACCOUNT MATTERS /BILLS

Dear Sir.

Please refer to the subject noted above and to state that, the undersigned has assumed charge as DHO North Waziristan TD Miranshah on 10. 07. 2021. however un-authorized persons are active and wondering in the District Accounts Office NW TD for processing of bills / direct induction signed by un-authorized persons which is an unlawful act.

Further-more all Source-I/Source-II / signed by the then DHOs may not be entertained and Ought to be returned for verification and countersignature of the undersigned.

There-fore only Mr Saeed ullah Accounts/ Head Clerk of this office is hereby authorized to deal all kind of Account matters/ correspondence of this office on behalf of the Undersigned with your good office. and subsequently no other persons are allowed to touch any account matters and that this office will not be responsible w.e.f 10. 07. 2021 and onwards

You are further requested that all correspondence! Accounts matters of the undersigned may be kept secret from all un-related/ unauthorized persons in the best public interest.

Your co-operation in this regard will be highly appreciated.

DISTRICT HEALTH OFFICER
NORTH WAZIRISTAN TD MIRANSHAH

Endst No. 12572-73
Copy forwarded to the

Dated : 14.07.2021

- 1- Director General Health Services KPK Peshawar.
- 2- Deputy Commissioner NW TO Miranshah.

DISTRICT HEALTHN OFFICER
NORTH WAZIRISTAN TD MIRANSHAH

ATTESTED

OFFICE OF THE DISTRICT HEALTH OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT MIRANSHAH

Phone & fax 0920-300788

No

Accounts

Miranshah

Email: dhoffice@pnc.gov.pk

Dated

the 14/07/2021

8/A

To,
The District Accounts Officer,
North Waziristan TD Miranshah.

SUBJECT: - AUTHORITY / PROPROCESSING OF ACCOUNT MATTERS /BILLS.

Dear Sir,

Please refer to the subject noted above and to state that, the undersigned has assumed charge as DHO North Waziristan TD Miranshah on 10.07.2021, however un-authorized persons are active and wondering in the District Accounts Office NW TD for processing of bills / direct induction signed by un-authorized persons which is an unlawful act.

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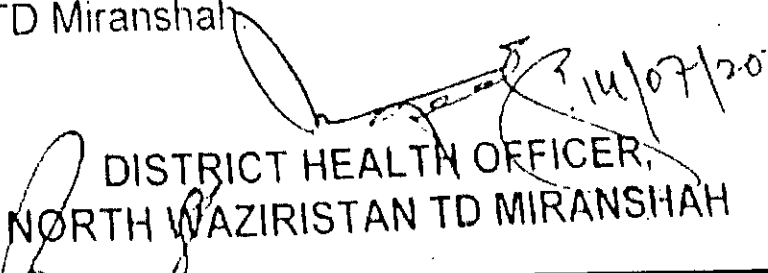
You are further requested that all correspondence/ Accounts matters of the undersigned may be kept secret from all un-related/ unauthorized persons in the best public interest.

Your co-operation in this regard will be highly appreciated.


DISTRICT HEALTH OFFICER,
NORTH WAZIRISTAN TD MIRANSHAH

18572-73
Copy forwarded to the:-

1. Director General Health Services KPK Peshawar.
2. Deputy Commissioner NW TD Miranshah.


DISTRICT HEALTH OFFICER,
NORTH WAZIRISTAN TD MIRANSHAH
14/07/2021



ANNEX E

9

The Director General Health Services,
Khyber Pakhtunkhwa Peshawar.

Subject: DEPARTMENTAL APPEAL UNDER SECTION 22 OF THE CIVIL SERVANT ACT AGAINST THE ORDER ISSUED BY DR HAFIZULLAH DHO NWTD VIDE LETTER NO.12571/Accounts & 12572-73 DATED 14/07/2021 WHICH THE SALARIES OF U/s HAS BEEN STOPPED / WITHHELD ILLEGALLY.

Dear Sir,

With due respect it is stated that I am performing my duty as a Malaria Supervisor BPS-12, since 29/10/2013 up to date continuously / regularly under the control of the District Health Officer North Waziristan Tribal District Miranshah with great zeal and zest. My pay & allowances are stopped by the ex- District Health Officer due to non-computerization due to opening of band account. (copy of letter dated dated 04/12/2020 is **Annex-A**)

After that I had submitted application to the DHO concerned NWTD with the request to release my salaries from the date of stoppage. My salaries are released by the EX-DHO NWTD in the month of March 2021. Proper my salaries bill is signed by ex-DHO and further submitted to District Account Office NWTD for released and signature. The District Account Officer concerned signed my pay bill. The DAO concerned handed over my pay bill to concerned auditor for punching in SAP System. (copy of pay bill is attached **Annex-B**). Now my pay & allowances is again stopped by Dr.Hafizullah DHO NWTD, illegally without any reasons .He has draft letter to District Account officer with the request to returned all the salaries bills i.e source-I & II signed by the then DHO to the office of DHO for proper counter signature and verification. (Copy of impugned letter dated 14/07/2021 is attached **Annex-C**). Now nor the DHO Concerned attested my salary bill nor noted any observation on my bill.

It is therefore, requested, in your kind honor to please direct the DHO Concerned to release our salaries from the date of regularization / stoppage i.e 24/09/2013 up to date please.

I will be very thankful to you for your this kind act.

Dated: 14 / 10 /2021.

Thanks

Your obediently,

Mr. Attaullah Khan

Malaria Supervisor BPS-12.

DHO Office NWTD

10

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO: _____ OF 2022

ATTAULLAH KHAN _____ (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

HEALTH _____ (RESPONDENT)
(DEFENDANT)

I/We Attaullah Khan

Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK 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

Attaullah Khan

CLIENTS

ACCEPTED

NOOR MUHAMMAD KHATTAK

UMER FAROOQ MOHMAND

KAMRAN KHAN

SAID KHAN

HAIDER ALI

&

**KHANZAD GUL
ADVOCATES**