

The Implementation application submitted by Mr. Yasir Saleem Advocate today i.e on 23.08.2022 is incomplete on the following scores which is returned to him for completion and resubmission within 15 days.


Memorandum of petition is photo state copy which is not acceptable. Replaced the original one duly signed by the petitioner and supported with by an affidavit duly attested by the Oath Commissioner.

No. 2435 /S.T,

Dt. 23/8 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Yasir Saleem Adv. Pesh.

Re submitted


**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Execution No. 485/2022

Riaz Noor Service Appeal No. 1241.

.....Applicant

V E R S U S

Director Health Services & others.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Execution Petition with affidavit		1-4
2.	Copy of office order dated 01.02.2020	A	5-6
3.	Copies of order dated 19.07.2022	B	6-7
4.	Copy of letter dated 07.12.2020	C	8
5.	Copy of letter dated 15.12.2020	D	9
6.	Copy of order sheet dated 30.05.2022	E	10-11
7.	Wakalatnama		

Applicant

Through



Yasir Saleem

Advocate, High Court

Peshawar.

Date: 17.08.2022

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Execution No. 485 /2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1068

Dated 23/8/2022

Riaz Noor Service Appeal No. 1241/2018

.....Applicant

V E R S U S

1. Director Health Services Tribal Peshawar
2. District Health Officer North Waziristan
3. Secretary Finance Peshawar.
4. District Account Officer Tribal District North
Waziristan

.....Respondents

**APPLICATION FOR THE IMPLEMENTATION
OF ORDER AND JUDGMENT DATED 19.07.2022
IN ALL ABOVE CONNECTED SERVICE
APPEALS.**

Respectfully Sheweth:

1. That above titled service appeals were pending adjudication before this Hon'ble Tribunal and was fixed for hearing on **19.07.2022.**
2. That on the date fixed representative of the respondents appeared and produce copy of office order dated 01.02.2020 vide which directions were issued with regard to the payment of outstanding salaries of the applicants. *(Copy of office order dated 01.02.2020 is attached as annexure A).*
3. That in the light of new development all the appeals were disposed of accordingly vide order dated 19.07.2022. *(Copies of order dated 19.07.2022 of all the applicants is attached as annexure B).*
4. That thereafter the applicants approached the respondents and requested for release of their outstanding salaries. In response to the request the department released only the salaries of Zahid Noor Service Appeal No. 1240 & Zabi Ullah Service Appeal No. 1255 and their outstanding salaries have not yet been issued. However the rest of

appellants / the present applicants are still struggling for release of their salaries and outstanding bills.


5. That it is pertinent to mention here that the pay bills of all the applicants are prepared but respondent No. 04 is creating hurdles in way of release of salaries. In this regard the Accountant General KP Peshawar also issued direction to the respondent No. 04 for release of salaries vide letter dated 07.12.2020 however he is not even honoring the order of this Hon'ble Tribunal nor letter dated 07.12.2020. *(Copy of letter dated 07.12.2020 is attached as annexure C).*
6. That respondent No. 02 also sent letter dated 14.12.2020 reminding him the letter of the Accountant General KPK dated 07.12.2020 with request to pass the pending arrear bills of all the applicants but he has refused. *(Copy of letter dated 14.12.2020 is attached as annexure D).*
7. That it is pertinent to mention here that an identical nature matter an execution No. 15/2020 has been decided by this Hon'ble Tribunal wherein salaries of the employees / petitioners are allowed with the direction to respondent No. 02 and 04 therein that salaries of the petitioners according to their entitlement may be released alongwith outstanding arrears if any within 30 days of this order. *(Copy of order sheet dated 19.07.2022 is attached as annexure E).*

8. That as per the order of this Hon'ble Tribunal dated 19.07.2022 respondents are bound to release the salaries as well as outstanding bills, however they have not yet implemented the same in the letter and spirit.

It is, therefore, most humbly prayed that on acceptance of this application, the order dated 19.07.2022 may please be implemented and respondent No. 04 may please be directed to pass and release the monthly salaries as well as the arrears / outstanding pay bills.


Applicants

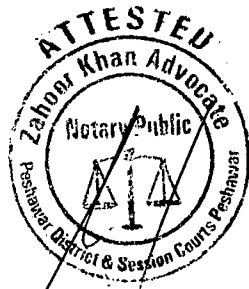
Through


Yasir Saleem
Advocate, High Court
Peshawar

Date: 12.08.2022

AFFIDAVIT

I, **Yasir Saleem Advocate** (*as per instructions of my client*), is solemnly affirm and declare that the contents of the **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.




DEPONENT

12.08.2022

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AMMEX-A

5

OFFICE OF THE DISTRICT HEALTH OFFICER,
NORTH WAZIRISTAN TRIBAL DISTRICT

NO. _____ /DHO/NWTD, Dated: _____

OFFICE ORDER:

In pursuance to the directives/approval of Secretary Health Order No S.H.O-111/8-60/2018 dated: 17/01/2019, order No SOH-111/8-60/2019 dated: 31/12/2018 and DHS Merged Area Order No: 713-18/DHS/ADM/ Dated: 17/01/2019 and this office order NO: 16-25-37 dated: 23/04/2019. The outstanding salaries of the following officials are hereby released against any vacant post i.e Charge Nurse etc. till the availability of their original Posts from the date of stoppage on the basis of non-termination.

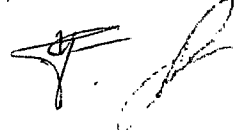
1. Mr. Fada ullah Malaria Supervisor against EPI Technician.
2. Mr. Nek zat ullah Malaria Supervisor against Pharmacy Technician.
3. Mst. Sofia LHV.
4. Mr. Fawad khan Malaria Supervisor against Health Technician.
5. Mr. Shaban zeb Malaria Supervisor against Dispenser.
6. Mr. Sher zada Pharmacy Technician against EPI.
7. Mr. Fatkh ullah Malaria Supervisor against EPI Technician.
8. Mr. Salim ullah Lab: Technician against EPI.
9. Mr. Pasa noor Malaria Supervisor against LHV.
10. Mr. Haji Akbar Malaria Supervisor against Pharmacy Technician.
11. Mr. Saif Awer Jan Malaria Supervisor against LHV.
12. Muhammad Yousef Malaria Supervisor Against EPI Tech.

DISTRICT HEALTH OFFICER
NORTH WAZIRISTAN MIRANSBAH.

No. 12-24 /DHO/NWTD

Dated: 12/2/2020

- PS to Secretary Health to his Order No: Quoted above.
- PA to DHS Merged Areas with reference to his Order No: Quoted above.
- The District Account Officer NWTD with the request to honour the bills without any further delay being Court matter.

Attested


D. STRICT HEALTH OFFICER
NORTH WAZIRISTAN MIRANSBAH.


District Health Officer
Tribal District Miransbah

Annex B-18



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1241/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1477

Date: 09/10/2018

Riaz Noor
Malaria Supervisor A.H.Q Hospital
N.W Agency

(Appellant)

VERSUS

1. The Director Health Service Tribal District Peshawar.
2. The Agency Surgeon, Tribal district North Waziristan.
3. The Secretary Finance, KPK, Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 03.10.2018 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR ADJUSTMENT AND GRANTING MONTHLY PAY WITH EFFECT FROM SEPTEMBER 2012 TILL DATE HAS BEEN REJECTED FOR NO GOOD GROUNDS.

PRAYER:

Filed today
[Signature]
Registrar
9/10/18

THAT ON THE ACCEPTANCE OF THIS APPEAL, ORDER DATED 03.10.2018 MAY KINDLY BE SET ASIDE AND THE RESPONDENTS MAY BE DIRECTED TO ADJUST THE APPELLANT ON HIS POST AND RELEASE HIS SALARY WITH EFFECT FROM SEPTEMBER, 2012 TILL DATE AND ONWARD BEING STILL IN SERVICE. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

[Signature]

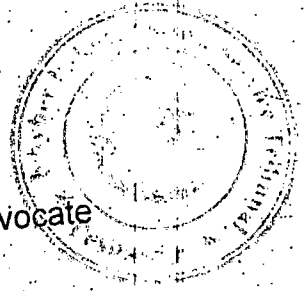
Certified to be true copy
[Signature]
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

19.07.2022

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate

General for respondents present.

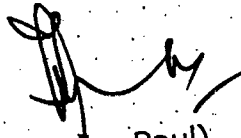


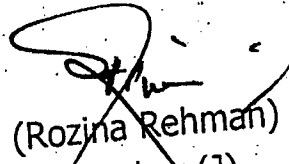
Learned counsel for appellant has produced copy of office order dated 01.02.2020 issued by District Health Officer North Waziristan Miranshah. By virtue of the order, the outstanding salaries of the appellant have been released against any vacant post. Copy of order is placed on file of connected Service Appeal No.1241/2018 titled "Riaz Ncor Vs. Government of Khyber Pakhtunkhwa".

In view of the development, learned counsel for appellant states that the appeal in hand has met its purpose.

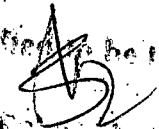
Disposed of having been infructuous. File be consigned to the record room.

Announced
19.07.2022


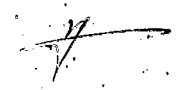

(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member (J)

20/7/22
800
10/r
10/r

Certified to be true

Secretary
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

27-7-22
27-7-22



Annex-2
Office of the

Accountant General
Khyber Pakhtunkhwa Peshawar
Phone: 091 9211250-53

No.H-24 (89)/Miran Shah/Vol-II/1642-43
To

Dated 7.12.2020

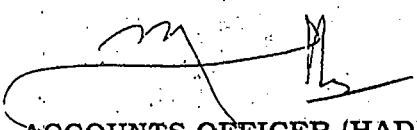
✓
District Account Officer,
Miran Shah (North Waziristan).

Subject: REINSTATMENT OF SALARIES.

The undersigned is directed to enclose a self explanatory complaint received from Mrs. Hanifa Bibi and Muhammad Younas & others on the subject cited above and to state that the issue in hand be checked and resolved immediately as per rules and in light of the Khyber Pakhtunkhwa Service Tribunal orders.

2. Moreover, you were asked vide this office letter No. H-24 (89)/Miran Shah/Vol-II/902 (copy enclosed) that cost center PR0049 pertains to Additional Accountant General Pakistan Revenue (Sub-Office) Peshawar used for Erstwhile FATA. Against the old cost center PR-8129 (allotted by the Government of Khyber Pakhtunkhwa Finance Department), through which 38 employees are drawing their salaries up to 30.11.2020, the same may also be elucidated accordingly please.

3. In this regard, report of the same may be submitted to this office for perusal of the competent authority.


ACCOUNTS OFFICER (HAD)

Copy of the above is forwarded to Hanifa Bibi LHV Mr. Muhammad Younas and others for information.


ACCOUNTS OFFICER (HAD)


Miran Shah





OFFICE OF THE DISTRICT HEALTH OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT AT MIRANSHAH

Tel: (0928) 300788 FAX: (0928) 311662

Email: agency surgeon nwa2018@gmail.com

No. 6093 /PF/MRN/DHO

Dated, 15 / 12 /2020.

To

The District Account Officer,
NWTB Miranshah

Subject: REQUEST FOR PASSING OF PENDING ARREAR BILLS IN THE LIGHT OF SERVICE TRIBUNAL DECISION.

R/Sir

I am directed to refer to the subject noted above and to state that the court has already been decided our cases and the bills have already been submitted in your office. The court pressing hard that the pending bills may kindly be passed/honored to avoid more litigation for the larger interest of justice, otherwise your offices is wholly soley ~~for~~ Responsible ^{for} all consequences in this regard.

Beside this the AG Kpk Peshawar has also been issued a cleared order in the instant case on dated 07-12-2020 to your good office please


DISTRICT HEALTH OFFICER
NORTH WAZIRISTAN TD MIRANSHAH

No. 6094-96 /DHO/NWTB dated the 15 / 12 /2020

1. Honorable Registrar for information with reference to your order dated 26-11-2020
2. Director General Health services Kpk Peshawar
3. Account General Kpk Peshawar for information to your order dated 07-12-2020

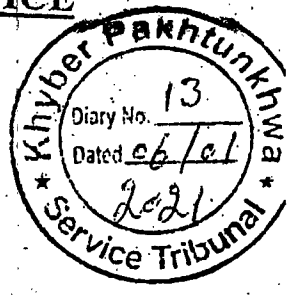

DISTRICT HEALTH OFFICER
NORTH WAZIRISTAN TD MIRANSHAH

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Annex E (67)

10

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR



Execution No. 15/2020

1. Farhatullah Service Appeal No. 1257.
2. Hashim Faraz Service Appeal No. 1264
3. Shahid Ullah Service Appeal No. 1252
4. Kaleemullah Service Appeal No. 1246
5. Zabi Ullah Service Appeal No. 1255
6. Zahid Noor Service Appeal No. 1240



.....Applicants

VERSUS

1. Director Health Services Tribal Peshawar
2. District Health Officer North Waziristan
3. Secretary Finance Peshawar
4. District Account Officer Tribal District North Waziristan

.....Respondents

APPLICATION FOR THE IMPLEMENTATION OF ORDER AND JUDGMENT DATED 26.11.2020 IN ALL ABOVE CONNECTED SERVICE APPEALS.

Zahid
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Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

30th May, 2022

1. Counsel for the petitioner present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Umer Hayat Khattak, District Accounts Officer, North Waziristan Miran-Shah for respondents present.

2. Representative of the respondents submits that although by administrative order, the salaries of the petitioners were shown to have been released and on the basis of such an order, the appeals were disposed of yet the department has not filed source form of some of the petitioners. Therefore, respondent No.2 shall submit the source form of the petitioners according to their entitlement to respondent No.4 for preparation and release of the outstanding salaries and arrears if any within thirty days of this order.

3. Disposed of in the above terms. Consign.

4. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 30th day of May, 2022.

(Kalim Arshad Khan)
Chairman

Date of Presentation of Application 24/5/22
Number of Words 800
Copying Fee 10/-
Urgent 10/-
Total 10/-
Number of Copies 1
Date of Completion of Copy 01/6/22
Date of Delivery of Copy 01/6/22

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Amir
7

POWER OF ATTORNEY

In the Court of _____

Rah Noon

For
Plaintiff
Appellant
Petitioner
Complainant

VERSUS

Dwela Health & Clinic

Defendant
Respondent
Accused

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/We, the undersigned/ _____ do hereby nominate and appoint
YASIR SALEEM ADVOCATE HIGH COURT, my true and lawful

attorney, for me in my name and on my behalf to appear at _____ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions, An appeal, statements, accounts, exhibits, Compromises or other documents whatsoever, in connection with the said matter or any matter arising there out and also to apply for and receive all documents or copies of documents, depositions etc. and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the 22 day to 8 the year 2022

Executant/Executants _____
Accepted subject to the terms regarding fee _____

YASIR SALEEM
Advocate High Court

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt