


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.

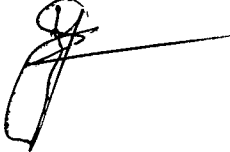
Memorandum of petition is photo state copy which is not acceptable. Replaced the original one duly signed by the petitioner and supported with by an affidavit duly attested by the Oath Commissioner.

No. 2447 /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. 493/2022

Arshad Ullah Service Appeal No. 1259/18  
.....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
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		

Through Applicant



**Yasir Saleem**  
Advocate, High Court  
Peshawar.

Date: 17.08.2022

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

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1082

Dated 23/8/2022

Execution No. 493 /2022

Arshad Ullah Service Appeal No. 1259/2018

.....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.**

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**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

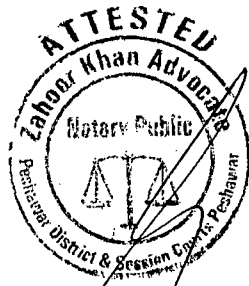
Through

  
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

13 AUG 2022

Annex A 8



OFFICE OF THE DISTRICT HEALTH OFFICER  
NORTH WAZIRISTAN TRIBAL DISTRICT.

NO \_\_\_\_\_ /DHO/NWTD, Dated \_\_\_\_\_ / \_\_\_\_\_ /2020.

**OFFICE ORDER:**

In pursuance to the directives/approval of Secretary Health Order No SHO-III/8-60/2019 Dated: 02/12/2019, order No SOH-III/8-60/2019 dated: 31/12/2019 and DHS Merged Area Order No: 713-18/DHS/ADM/ Dated: 17/01/2019 and this office order NO: 1433-37 dated: 23/01/2019. 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. Azim ullah Malaria supervisor against EPI Technician.
2. ~~Mr. Hafiz ullah Malaria supervisor against LHV.~~
3. Mr. Naser ullah Malaria supervisor against Pharmacy Technician.
4. Mr. Zain u din Malaria supervisor against Pharmacy Technician.
5. Mr. Khair Muhammad Malaria supervisor against EPI Technician.
6. Mr. Asif ullah Malaria supervisor against LHV.
7. Mr. Arshad ullah Malaria supervisor against EPI Technician.
8. Mr. Safir ullah Dispenser against LHV.
9. Mr. Amir Afghan Malaria supervisor against EPI Technician.

DISTRICT HEALTH OFFICER  
NORTH WAZIRISTAN MIRANSHAH.

Endst: No 619-21 /DHO/NWTD

Dated: 1/1/2020

Copy to the

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

DISTRICT HEALTH OFFICER  
NORTH WAZIRISTAN MIRANSHAH.

Attested  
[Signature]

Ann B. 6

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BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR



APPEAL NO. 1253 /2018

Khyber Pakhtunkhwa  
Service Tribunal

Disary No. 1491

Dated 09/10/2018

(Appellant)

AEShadullah -  
Ex-Malaria Hospital NWA  
Hospital NWA 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:

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.

File-to-day  
9/10/18

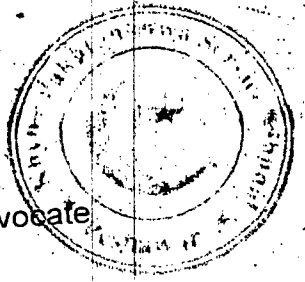
Alid.  
[Signature]

Received by the two copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



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19.07.2022

Appellant present through counsel.

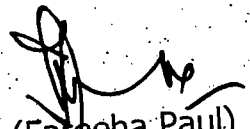
Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

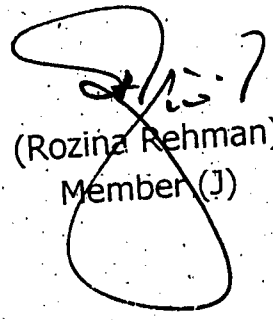
Learned counsel for appellant has produced copy of office order dated 01.02.2020 issued by District Health Officer North Waziristan Miranshah. By virtue of the order, the outstanding salaries of the appellant have been released against any vacant post. Copy of order is placed on file of connected Service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

  
(Farzeha Paul)  
Member(E)

  
(Rozina Rehman)  
Member (J)

Date of transcription 20/7/22

Number of pages 800


Number of copies 10/

Total 10/

Date of completion of copy 27/7/22

Date of delivery of copy 27/7/22

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Incharge  
Peshawar

Attested  




Annex-C  
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.

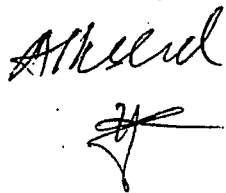
2. Moreover, you were asked vide this office letter No. H-24 (89)/Miran Shah/Vol-II/902 (copy enclosed) that cost center PR0049 pertains to Additional Accountant General Pakistan Revenue (Sub-Office) Peshawar used for Erstwhile FATA. Against the old cost center PR-8129 (allotted by the Government of 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)



H/M/EX = L (4/20)

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

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

Email: agency surgeon wa 2018@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/SIF

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 sole<sup>ly</sup> for Responsible<sup>for</sup> all consequences in this regard.

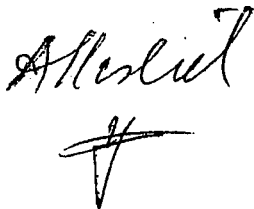
Beside this the AG Kpk Peshawar has also been issued a cleared order in the instant case on dated 07-12-2020 to your good office please

  
DISTRICT HEALTH OFFICER  
NORTH WAZIRISTAN TD MIRANSHAH

No. 6094-96 /DHO/NWTD 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

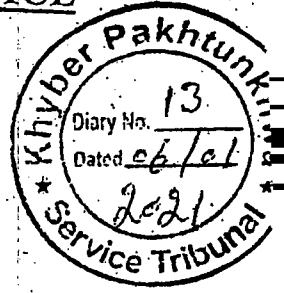
  
DISTRICT HEALTH OFFICER  
NORTH WAZIRISTAN TD MIRANSHAH



Ann E (67)  
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**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

**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 26.11.2020  
IN ALL ABOVE CONNECTED SERVICE  
APPEALS.**

Attest

[Signature]

Certified to be true copy

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

30<sup>th</sup> May, 2022


1. Counsel for the petitioner present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Umar 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.

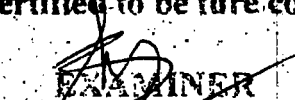
3. Disposed of in the above terms. Consign.

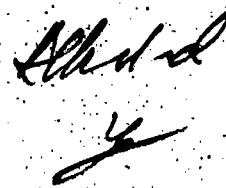
4. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 30<sup>th</sup> day of May, 2022.

  
(Kalim Arshad Khan)  
Chairman

Date of Presentation of Application 30/5/22  
No. of Words 800  
Court Fee 15/-  
Urgent —  
Tand 10/-  
Name of Copyist —  
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



POWER OF ATTORNEY

In the Court of \_\_\_\_\_

Avshadullah

For  
} Plaintiff  
} Appellant  
} Petitioner  
} Complainant

Smelin Health & Office

VERSUS

} 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 from 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 \_\_\_\_\_ day to \_\_\_\_\_ the year \_\_\_\_\_  
Executant/Executants \_\_\_\_\_  
Accepted subject to the terms regarding fee \_\_\_\_\_

*[Signature]*

**YASIR SALEEM**  
Advocate High Court  
ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT  
FR-4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt