

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No. 1404/2018

Date of Institution ... 19.11.2018

Date of Decision ... 20.01.2021

Masta Khan presently serving as Chowkidar, Government Primary School Sarak erstwhile F.R Kurram, District Kurram Khyber Pakhtunkhwa.

... (Appellant)

VERSUS

The Secretary Education (E&SE) Khyber Pakhtunkhwa, Peshawar and six other respondents.

... (Respondents)

Mr. ALI AZIM AFRIDI,
Advocate

--- For appellant.

MR. RIAZ AHMAD PAINDAKHEIL,
Assistant Advocate General

--- For respondents.

**MUHAMMAD JAMAL KHAN
ATIQU-UR-REHMAN WAZIR**

--- **MEMBER (Judicial)**
--- **MEMBER (Executive)**

JUDGEMENT:

MUHAMMAD JAMAL KHAN, MEMBER:- This is an appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, seeking permission to be allowed/grant of release of salary to the present appellant.

2. According to appellant on being inducted as a Chowkidar in BPS-1 in the Government Primary School in District Kurram Khyber Pakhtunkhwa in the year 1983, he rendered his services to the department with dedication, the grievance of appellant commenced due to non-payment of salaries, for the release of which departmental appeal was moved but it remained undecided. Appellant submitted that

withholding of salary tantamount to halting one from the right to enjoyment of life. The non-payment of the salary have a direct concern with the terms and conditions of service of appellant hence, the present service appeal.

3. The respondents were summoned, in compliance thereof they attended the Tribunal through their authorized legal representative, assailing the appeal on a number of legal and factual grounds inter-alia, cause of action, estoppel etc.

4. We have heard arguments of the learned counsel representing the respective parties.

5. It was contended by the learned counsel representing appellant that despite having been employed as a Chowkidar in the Government Primary School in the erstwhile FR Kurram District Kurram Khyber Pakhtunkhwa, he has not been paid salary, the receipt of which is the legal and constitutional right of appellant. That rendition of duties/services without the corresponding benefits tantamount to infringement of the fundamental rights of appellant as guaranteed by the constitution.

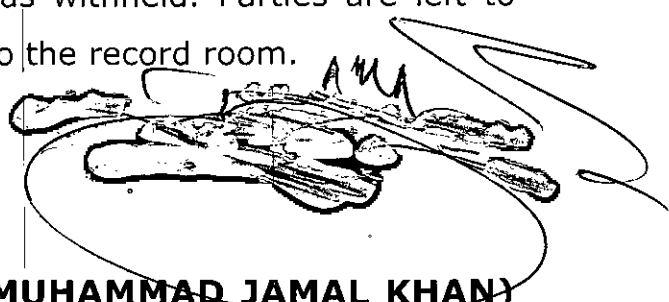
6. On the other hand, the learned Assistant Advocate General representing respondents submitted that the salary of appellant has been withheld due to a local dispute regarding the appointment of a Class-IV and the moment the impasse is resolved, salary of the incumbent would stand released.

7. The perusal of record abundantly clarify the fact that the appellant is serving at the Government Primary School in District Kurram of the Province since the year 1983, the salary of appellant was stopped due to a local dispute regarding Class-IV post at Government Primary School Sarak and Veterinary Center Sarak in consequence of which the District Account Office Kurram vide letter bearing no. 5549-52/Education dated 13.06.2018 halted the payment of salary to appellant, whether in the given circumstances the District Account Officer Kurram could make an order by withholding payment of salary without any legal sanction behind that order? The officer who was seized with the matter in no way could pass order halting the payment

of salary to the official who is rendering services since long, the order so made is not sanctified by any legal provision, therefore, could not sustain in the circumstances. The locking of locals in a dispute on the post of Class-IV employee has no nexus with the case of appellant, if the appellant is still employee of the department and rendering services, the department is bound to make payment of salaries to him, therefore, the order dated 13.06.2018 passed by the District Account Office Kurram, is not sustainable in the circumstances which is set at naught.

8. The upshot of what has been discussed above is that, the instant appeal is accepted by setting aside the letter bearing no. 5549-52/Education dated 13.06.2018 passed by the District Account Office Kurram and respondents are directed to make payment of salaries to the appellant since the date when it was withheld. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
20.01.2021

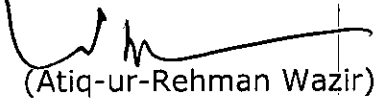
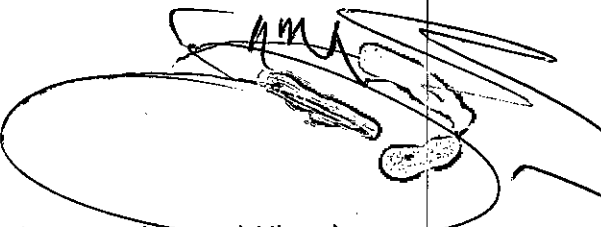


(MUHAMMAD JAMAL KHAN)
Member (Judicial)



(ATIQ-UR-REHMAN WAZIR)
MEMBER (Executive)

Service Appeal No. 1404/2018

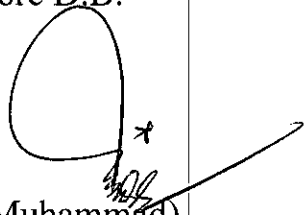
| S.No | Date of order/ proceedings | Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary. |
|------|-------------------------------|---|
| 1 | 2 | 3 |
| | <p>20.01.2021</p> | <p><u>Present.</u></p> <p>Mr. Ali Azim Afridi, Advocate</p> <p>... For appellant.</p> <p>Mr. Riaz Ahmad Paindakheil, Assistant Advocate General</p> <p>... For respondents.</p> <p>Vide our detailed judgement of today, the instant appeal is accepted by setting aside the letter bearing no. 5549-52/Education dated 13.06.2018 passed by the District Account Office Kurram and respondents are directed to make payment of salaries to the appellant since the date when it was withheld. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED</u> 20.01.2021</p> <p> (Atiq-ur-Rehman Wazir) Member (Executive)</p> <p> (Muhammad Jamal Khan) Member (Judicial)</p> |

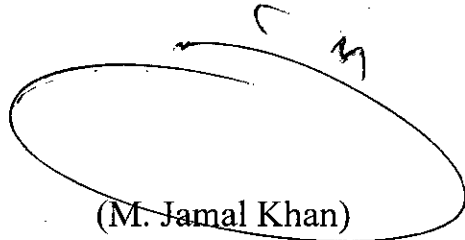
04.01.2021

Appellant in person present. Asst: AG alongwith Mr. Muhammad Safwan, AAO and Mr. Javed Iqbal, Stenographer for respondents present.

As regard the production of requisite record, the representative of respondent No.2 namely, ^{Sr}Javed Iqbal, Stenographer stated at the bar that the competent authority is District Education Officer, Sadda, District Kurram (respondent No.3) whose attendance ^{Sr}is to be procured for the subject purpose. Accordingly, DEO, Sadda, District Kurram be summoned alongwith the requisite record for further proceedings.

To come up for requisite record and arguments on 20.01.2021 before D.B.

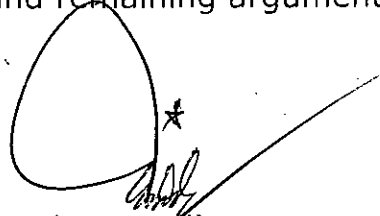

(Mian Muhammad)
Member(E)


(M. Jamal Khan)
Member(J)

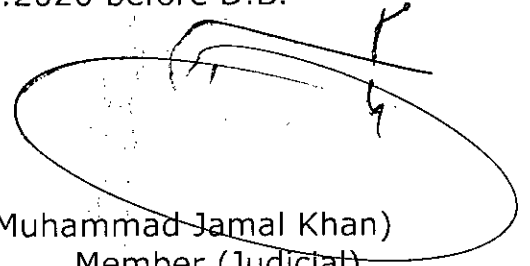
23.09.2020

Mr. Ali Azim Khan Afridi, Advocate for appellant is present. Mr. Manzoor Khan, Assistant on behalf of respondent No. 2 alongwith Mr. Riaz Ahmad Paindakheil, Assistant Advocate General, are also present.

Arguments addressed by the learned counsel for the appellant have been heard and the case was kept for waiting on the plea of learned Assistant Advocate General that he may be allowed some time to contact the official concerned of the department for producing the relevant record before this august Tribunal for perusal and appropriate orders. After waiting for an interval, the learned Assistant Advocate General informed the Tribunal that the relevant record is not available in the concerned office rather it will be available in the office of District Education Officer Kurram. For procurement of the requisite record, time was sought. Time is allowed. File to come up for record and remaining arguments on 27.10.2020 before D.B.



(Mian Muhammad)
Member (Executive)

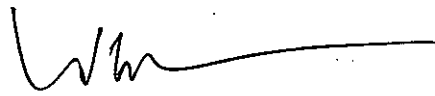


(Muhammad Jamal Khan)
Member (Judicial)

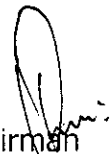
27.10.2020

Appellant in person and Addl. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to ~~29.10.2020~~ for hearing before the D.B.



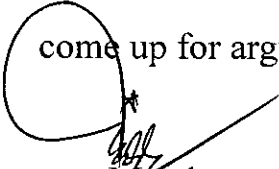
(Atiq-ur-Rehman Wazir)
Member

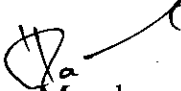


Chairman

14.02.2020

Clerk to counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not available. Adjourned To come up for arguments on 30.03.2020 before D.B.


Member


Member

30.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 25.06.2020 before D.B.


Reader

25.06.2020

Due to public holiday on account of COVID-19 the case is adjourned for the same on 23.09.2020 before D.B.


Reader

26.11.2019

Appellant with counsel present. Mr. Riaz Painsakheil learned Assistant Advocate General present.

It appeared that due to non-availability of copies of memorandum of appeal, notices could not be issued to the newly added respondents. Appellant submitted copies of memorandum of service appeal. Notices be issued to the newly added respondents for reply/comments. Adjourn. To come up for further proceedings on 30.12.2019 before D.B.



Member


Member

30.12.2019

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up arguments on 14.02.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

28.10.2019

Appellant with counsel present: Mr. Usman Ghani learned District Attorney present. Written reply and the documents annexed therewith, reflect that there is a local dispute over Class-IV posts at GPS Sarak and Veterinary Centre Sarak between two parties i.e. Haji Muhammad Sadiq and others versus Lal Muhammad and others and salary of the appellant was stopped on the direction of Assistant Commissioner Central Kurram due to law & order situation, vide order dated 11.06.2018.

Relevant order of the Assistant Commissioner Central Kurram is ^{not} available on file. The appellant has also not bothered to file rejoinder in order to dilate upon the nature of dispute as mentioned above.

In the circumstances of the case, District Accounts Officer Sadda Kurram and Assistant Commissioner Sadda Kurram are impleaded in the calendar of respondents as respondents No.6, & 7 respectively. Instead of Agency Education Officer Sadda Kurram, District Education Officer Sadda Kurram shall be treated as respondent No.3. Muharrir is directed to enter the name of District Education Officer Kurram as respondent No.3 with red ink. Notices be issued to the newly added respondents for reply/comments on 26.11.2019. To come up for further proceedings on the date fixed before D.B.


Member


Member

01.08.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Zakiullah, Senior Auditor for respondents present. Representative of the respondents could not explain as to why the salary of the appellant has been stopped. The relevant DDO/respondent no.3 be summoned for the next date of hearing to explain the position. Proper notice be issued to respondent no.3 for attendance and to apprise this Tribunal in the matter. Notice be also issued to the appellant for appearance. Adjourn. Case to come up for arguments on 07.10.2019 before D.B.



Member



Member

02.05.2019

Counsel for the appellant and Sajid Superintendent for respondent No. 5 alongwith Mr. Usman Ghani, District Attorney for the respondents present.

Respondents No. 1 to 4 was granted last opportunity for submission of reply/comments, however neither any representative of the said respondents is in appearance nor the requisite reply has been submitted. The case is therefore, posted for arguments before the D.B on 28.06.2019.

28.06.2019

Counsel for the appellant and Mr. Khatib Khattak, Additional AG alongwith M/S Wisal, Dealing Assistant and Sajid, Superintendent for the respondents present. Learned Additional AG requested for adjournment. Adjourned to 12.07.2019 for arguments before D.B.

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

12.07.2019

Learned counsel for the appellant and learned AAG present. Respondent department submitted reply placed on file. Adjournment requested. Adjourn. To come up for arguments on 01.08.2019 before D.B

02.08.2019

Member

Member

present Counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 08.2019 before D.B.

Member

Member

Service Appeal No. 1404/2018


31.12.2018

Appellant alongwith his counsel present. Mr. Zakiullah, Senior Auditor on behalf of respondent No. 5 alongwith Mr. Kabirullah Khattak, Additional AG for the respondents present. Representatives of respondents No. 1 to 4 are not in attendance therefore, notice be issued to respondents No. 1 to 4 with the direction to direct the representatives to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on 18.02.2019 before S.B.


Muhammad Amin Khan Kundi
Member


18.02.2019

Learned counsel for the appellant and learned Additional Advocate General for the respondents present. Notices be repeated to respondents for 01.04.2019 on which date the reply/comments to the appeal shall also be submitted.


Chairman

01.04.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Mr. Bahadar Khan, KPO and Mr. Zakiullah, Senior Auditor for respondent no.5 and Mr. Rehmat, Supdt for respondents present. Written reply on behalf of respondent no.5 submitted. Last opportunity granted to the remaining respondents. Case to come up for written reply/comments of respondents no. 1 to 4 on 02.05.2019 before S.B.


(Ahmad Hassan)
Member

23.11.2018

Counsel for the appellant Masta Khan present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Education Department as Chowkidar in Government Primary School Sarak FR Kurram. It was further contended that the appellant is performing regular duty and was received salary till 31.05.2018 in this respect salary slip is available on page 27 of the service appeal. It was further contended that the respondent department suddenly stopped the salary of the appellant after May 2018 despite the facts that the appellant was performing duty. It was further contended that the appellant filed departmental appeal but the same was not responded hence, the present service appeal. It was further contended that still the appellant is performing his duty therefore, the respondent-department is bound to issue/pay salary to the appellant.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 31.12.2018 before S.B.

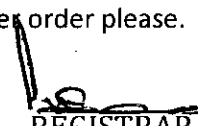
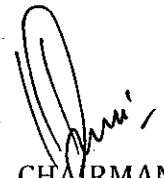
Appellant Deposited
Security & Process Fee


Muhammad Amin Khan Kundi
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1404/2018

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1- | 19/11/2018 | The appeal of Mr. Masta Khan presented today by Mr. Ali Azim Afridi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.  REGISTRAR 19/11/18 |
| 2- | 20-11-2018 | This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23-11-2018</u> .  CHAIRMAN |

2018/11/19
694 2018/11/19

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. 1404/2018

Service Tribunal

Peshawar, Khyberpakhtunkhwa

Masta Khan Presently Serving as Chowkidar, Government
Primary School Sarak Erstwhile F.R Kurram, District Kurram
Khyber Pakhtunkhwa

.....Appellant

VERSUS

1. The Secretary Education (E&SE) KP, Peshawar
2. The Director Education, Merged Districts, FATA Secretariat
Warsak Road Khyber Pakhtunkhwa, Peshawar
3. The ~~Agency~~ ^{District} Education Officer, Sadda, District Kurram, Khyber
Pakhtunkhwa

vide order sheet dated 28/10/19

4. The Secretary Finance Khyber Pakhtunkhwa, Peshawar

5. The Accountant General, Khyber Pakhtunkhwa, Peshawar

6. District Accounts Officer Kurram, Khyber Pakhtunkhwa.Respondent(s)

7. Assistant Commissioner Sadda Kurram, Khyber
Pakhtunkhwa.

SERVICE APPEAL**(ON BEHALF OF THE APPELLANT)**

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. 1404/2018

Masta Khan

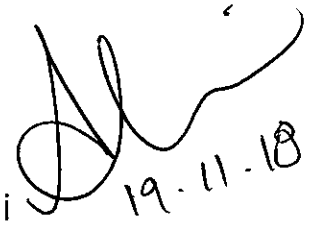
.....Appellant**Versus**The Secretary Education (E&SE) KP, Peshawar &
Others**.....Respondent(s)****INDEX**

| Sr No | Particulars | Page No |
|--------------|--|----------------|
| 1. | Service Appeal with Affidavit | 1-9 |
| 2. | Memo of Address of Parties | 10 |
| 3. | Copy of the Appointment Order dated 28.12.1983 along-with better copy is annexed as Annexure "A" and "A-1" | 11-12 |
| 4. | Copy of the Departmental Appeal along-with relevant details is annexed as Annexure "B" and "B-1" | 13-26 |
| 5. | Copy of the Pay-Slip is annexed as Annexure "C" | 27 |
| 6. | Vakalatnama | 28 |

Appellant**Through**

Ali Azim Afridi

Advocate, Peshawar

Contact # 0333-9555000


19.11.18

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. 1404/2018

Masta Khan Presently Serving as Chowkidar, Government Primary School Sarak Erstwhile F.R Kurram, District Kurram Khyber Pakhtunkhwa

.....Appellant

VersusKhyber Pakhtunkhwa
Service Tribunal

Diary No. 1651

Dated 19-11-2018

1. The Secretary Education (E&SE) KP, Peshawar
- ✓ 2. The Director Education, Merged Districts, FATA Secretariat Warsak Road Khyber Pakhtunkhwa, Peshawar
- ✓ 3. The Agency Education Officer, Sadda, District Kurram, Khyber Pakhtunkhwa
4. The Secretary Finance Khyber Pakhtunkhwa, Peshawar
- ✓ 5. The Accountant General, Khyber Pakhtunkhwa, Peshawar

.....Respondent(s)

APPEAL UNDER SECTION 4 OF THE KP SERVICE TRIBUNAL ACT, 1974; FOR ALLOWING GRANT/RELEASE OF SALARY TO THE PRESENT APPELLANT; HAVING DIRECT NEXUS WITH HIS TERMS AND CONDITIONS; BEING A CIVIL SERVANT; PRESENTLY AT THE DISPOSAL OF GOVERNMENT OF KHYBER PAKHTUNKHWA

Filed to-day
Registrar
19/11/18

Respectfully Sheweth,

1. That The Constitution of Islamic Republic of Pakistan aims at protecting civil servants in order to ensure smooth running of affairs of the Government and Institutions so as to benefit the public citizenry.

2. The Constitution of Islamic Republic of Pakistan equally beshields civil servants from being treated otherwise than in accordance with law.

In Sheikh Riaz-ul-Haq's Case¹, it was held that, *"Admittedly, civil servants being citizens of Pakistan have fundamental rights including the right to access to justice as envisaged under Article 9 of the Constitution".*

3. That the Constitution of Islamic Republic of Pakistan evenly emphasizes on equality for the citizens and by the citizens; aimed at underpinning rule of law.
4. That the Constitution of Islamic Republic of Pakistan enables, the state not deprive any person of life or liberty; which a person is entitled to enjoy; distilling the command of the Constitution.

In Shehla Zia' Case², It was held that, *"Article 9 of the Constitution provides that no person shall be deprived of life or liberty save in accordance with law; The word life is very significant as it covers all facets of human existence; The word life has not been defined in the Constitution but it does not mean nor can be restricted only to the vegetative or animal life or mere existence from conception to death; Life includes all such amenities and facilities which a person born in a free country is entitled to enjoy with dignity, legally and constitutionally".*

5. That an employee/servant; if not paid his salary/wages for the work done by him for his employer; he is not expected to live a proper life; if he does not get his salary; then how can he sustain himself and his family members; even if he

¹ PLD 2013 SC 501

² PLD 1994 SC 693

doesn't starve and managers to keep his soul and body intact, his own life and those of his dependent members of the family are bound to heavily suffer in quality.

It Metropolitan's Case³, It was held that, "Article 14 of the Constitution which guarantees dignity of man is contravened when an employee/servant is denied his right to receive his salary/wages by him; Article 14, inter alia, commands "the dignity of man and, subject to law, the privacy of home, shall be inviolable"; A man who is denied the fruit of the labour and work done by him is bound to live in a manner which will deprived him of his dignity; In order to save himself from starvation and keep himself alive, such a person will have to steal, beg or borrow; A person who is forced to do any such things must suffer in dignity; Similarly, to keep his dignity intact he must enjoy facilities and amenities of life of modest keep his dignity intact the he must enjoy facilities and amenities of the life of modest level according to his station in life; The total effect of non-payment of salaries to the respondents is that they are suffering in honour and dignity and their quality of life is also adversely affected, and hence fundamental rights guaranteed under Articles 9 and 14 of the Constitution stand denied to them".

ON FACTS

6. That the appellant was appointed as Chowkidar (BPS-1), at Government Primary School in erstwhile F.R Kurram; District Kurram Khyber Pakhtunkhwa in the year 1983. **(Copy of the appointment order dated 28.12.1983 is annexed as Annexure "A")**.

³ PLD 1996 Lhr 499

7. That the gravamen of the present appellant originates therefrom non-payment of salary; wherein departmental appeal was preferred to respondent No. 2 and as such remains undecided till date. **(Copy of the Departmental Appeal dated 11.08.2018 along-with relevant details is annexed as Annexure "B" and B-1)**
8. That non-payment of salary amounts to withholding one's right to enjoyment of life; which nonetheless is no longer a bounty rather a right. **(Copy of the pay-slip is annexed as Annexure "C")**

In General Manager's Case⁴, It was held that,
"Salaried/wages are the rightful dues which the employees/servants must get from the employers without delay".

9. That non-payment of salary; have direct nexus with the terms and conditions of the present appellant, being a civil servant.

In Punjab Text Book Board's Case⁵, It was held that,
"The matter in relation to salary of civil servants having a direct nexus with the terms and conditions of service of the employees; as such service tribunal alone is the appropriate forum having jurisdiction to deal with matters relating to the terms and conditions of civil servants".

10. That the appellant preferred departmental appeal/representation on 11.08.2018; seeking grant/release of salary; which appeal was left unattended to by the competent authority/respondent No. 2 till date. Hence the instant service appeal inter-alia on the following grounds:-

⁴ PLD 1970 SC 415

⁵ PLD 2001 SC 1032

GROUND

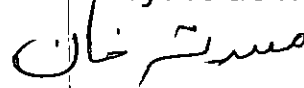
- A.** That non-payment of salary amounts to withholding one's right to enjoyment of life; as such exercise amounts to betrayal of the command of the Constitution and Law.
- B.** That not allowing the appellant; right to receive his salary; is totally uncalled for, against the law governing the subject matter.
- C.** That grant of salary is no more a bounty right a right; enabling the present appellant to claim the same; from the respondents.
- D.** That denial of salary to the present appellant amounts to deprivation of his dignity.
- E.** That the matter in relation to salary of civil servants having a direct nexus with the terms and conditions of service of the employees; as such the same lies within the jurisdiction of the service tribunal.
- F.** That it is cardinal principle of law and justice that what cannot be done directly cannot be done indirectly.⁶
- G.** That "Expressio Unis Est Exclusio Alterius", commanding that when law requires a thing to be done in particular manner then, it should be done in that manner as anything done in conflict of the command of law shall be unlawful being prohibited.
- H.** That "*Ignorantia juris non excusat*", commanding that ignorance of the law excuses not.
- I.** That further necessary grounds will be raised during the course of arguments.

⁶ PLD 1993 SC 473 at Page 687

PRAYER

It is therefore humbly prayed that on acceptance of this Service Appeal:-

1. The non-grant/allowance/release of salary amounts to withholding one's right to enjoyment of life; as such necessary directions may please be issued the respondents for allowing the present appellant to seek/withdraw his salary at earliest in accordance with law.
2. Any such order be passed which this Hon'ble Tribunal deems fit and appropriate as the circumstances may require for determination of the subject at hand.



Appellant

Through

Ali Azim Afridi 

Advocate, Peshawar

Contact # 0333-9555000

19.11.18

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR
 Service Appeal No. /2018

Masta Khan

.....Appellant

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The Secretary Education (E&SE) KP, Peshawar &
 Others

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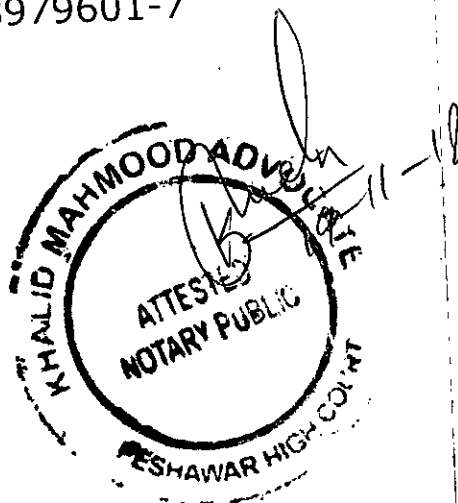
AFFIDAVIT

I, Masta Khan Presently Serving as Chowkidar, Government Primary School Sarak Erstwhile F.R Kurram, District Kurram Khyber Pakhtunkhwa, appellant do hereby on oath affirm and declare that the contents of the Service Appeal are true and correct to the best of my knowledge, belief and nothing has been concealed therefrom the Hon'ble Tribunal.

مست خان

Deponent

CNIC # 21302-8979601-7



BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. /2018

Masta Khan

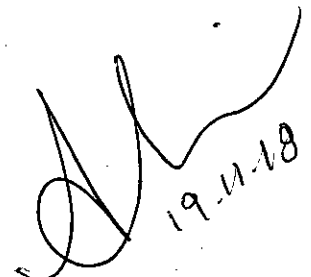
.....Appellant**Versus**The Secretary Education (E&SE) KP, Peshawar &
Others**.....Respondent(s)****MEMO OF ADDRESS OF PARTIES****Appellant**Masta Khan Presently Serving as Chowkidar, Government
Primary School Sarak Erstwhile F.R Kurram, District Kurram
Khyber Pakhtunkhwa**Respondent(s)**

1. The Secretary Education (E&SE) KP, Peshawar
2. The Director Education, Merged Districts, FATA Secretariat
Warsak Road Khyber Pakhtunkhwa, Peshawar
3. The Agency Education Officer, Sadda, District Kurram, Khyber
Pakhtunkhwa
4. The Secretary Finance Khyber Pakhtunkhwa, Peshawar
5. The Accountant General, Khyber Pakhtunkhwa, Peshawar

Appellant**Through**

Ali Azim Afridi

Advocate, Peshawar

Contact # 0333-9555000


19-11-18

(11)

Annex A

OFFICE OF THE AGENCY INSPECTOR OF SCHOOLS KURRAM AGENCY PARACHINARI

APPOINTMENT

M. Nasta Khan son of M. N. Khan Para Chankani
FR Kurram agency (Village Sarak) is hereby appointed as Chowkidar
at Govt. Primary School Sarak FR Kurram against vacant post in
SPS-1 in the interest of public service with effect from of his
date of taken over charge:-

- Note:-
1. He should produce health and age certificate from
Agency Surgeon Kurram agency Parachinar.
 2. He should be between 18 and 28 years.
 3. Charge report should be submitted to this office
in duplicate.
 4. His service is purely made on temporary basis
and can be terminated any time with out notice.

[Signature]
Agency Inspector of Schools
Kurram Agency Parachinar.

Endst: No. 2028-30F-19 dated 28-12-1983.

Copy to the:-

1. AAIS FR Kurram.
2. Candidate concerned.
3. Agency Account officer Kurram Para hinar.
4. Office file.

[Signature]
Agency Inspector of Schools
Kurram Agency Parachinar.

28/12/83

(12)

Amee " A-4

Better Copy
OFFICE OF THE AGENCY INSPECTOR OF SCHOOL
KURRAM AGENCY PARACHINAR

APPOINTMENT

Mr. Masta Khan Son of Pirat Khan Para Chamkani FR Kurram Agency (Village Sarak) is hereby appointed as Chowkidar at Govt; Primary School Sarak FR Kurram against vacant post in BPS-1 in the interest of public service with effect from of his date of taken over charge:-

Note: 1. He should produce health and age certificate from Agency Surgeon Kurram Agency Parachinar.

2. He should be between 18 and 28 uears.

3. Charge report should be submitted to this office in duplicate.

4. His service is purely made on temporary basis and can be terminated any time without notice.

Agency Inspector of Schools
Kurram Agency Parachinar

Endst. No. 2028-30/E-19 dated 28.12.1983

Copy to the:-

1. AAIS FR Kurram.
2. Candidate concerned.
3. Agency Account Officer Kurram Parachinar.
4. Office File.

Agency Inspector of Schools
Kurram Agency Parachinar

خدمت جناب ڈائریکٹر ایجوکیشن ناٹا . دام اقبال

دو دوست پرانے ریلیز بند شدہ تنخواہ چوکیدار
گورنمنٹ پرائمری سکول سنٹرل ٹرم سہراک

جناب عالی

گذشتہ جاتی ہے کہ میں سائل گورنمنٹ پرائمری
سکول سہراک میں بحالت چوکیدار ریٹائر ہوئے مگر انجام دے دیا ہوں
میرا تنخواہی ماہ سے بند کیا ہوا ہے بندہ گھر کا واحد کفیل ہوں
اس تنخواہ کے علاوہ میرے بچوں کا کوئی ذریعہ معاش نہیں
بندہ نے اپنے تنخواہ کے ریلیز کرنے کی دفعہ کو شش کی
کلیف کسی نے میرے عزیز کا فریاد نہ سنا۔

لہذا اب آپ صاحب کے خدمت سے بہت انگاری کے ساتھ
عزیزانہ جاتی ہے کہ میرا بند کیا ہوا تنخواہ کے ریلیز کرنے کا
حکم ہمارے فریاد سے بندہ تا حدی حدی دعا گو رہوں گا۔

ذرا زور ہوگی

تاریخ - 11/8/2018

میرت خان
میرت خان ولد ملک پھرتی خان (مروج) سکول سہراک
سنٹرل ٹرم

(For use in Police Department only)

Heirs,

(14)

8 Annam
B-1

- 1.
- 2.
- 3.

Verification Roll No. _____, dated _____ received back _____

Left thumb-impression.

| Qualification | Date | Qualifications | Date |
|-------------------|------|-----------------------------------|------|
| English | | First Arts | |
| Pashtu | | B. L. or B. A. | |
| Urdu | | Pleadership examination | |
| Plan-drawing | | Training School Final examination | |
| Finger print | | Other qualifications— | |
| Drill instructing | | | |
| Court duties | | | |
| Reserve duties | | | |

N. B.—A line to be drawn under the qualification possessed.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9. Sig
- 10. Sig
He
Off

(15)

Note—The entries in this page should be renewed or re-attested at least every five years and the signature in lines 9 and 10 should be dated.

1. Name .. Mista Khan

2. Race .. Para Chankani

3. Residence .. village Sarak. FR Kuman

4. Father's name and residence .. Priat Khan

5. Date of birth by Christian era as nearly as can be ascertained .. 1964

6. Exact height by measurement .. 5' 4"

7. Personal marks for identification .. A scar mark on left Arm

8. Left hand thumb and Finger impression of (non-gazetted) officer

Little Finger. Ring Finger

Middle Finger. Thumb

9. Signature of Government servant .. [Signature]

10. Signature and designation of the Head of the Office, or other Attending Officer. .. [Signature]
[Stamp: Deputy Inspector of Police, District Agency, Peshawar]

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|--------------|---|---|-------------------------|--------------------------------|--|---------------------|---------------------------------|
| Name of post | Whether substantive or officiating and whether permanent or temporary | If officiating, state (i) substantive appointment or (ii) whether service counts for pension under Art 371 C. S. R. | Pay in substantive post | Additional pay for officiating | Other emolument falling under the term "Pay" | Date of appointment | Signature of Government servant |
| GIS Sarah | 1/7/1984 | | 440/- | | | 22-11-84 | سید خان |
| Do | Do | | 457/- | | | 1/12/84 | سید خان |
| do | do | | 460/- | | | 1/12/85 | سید خان |
| do | | | 470/- | | | 1/12/86 | سید خان |
| do | | APS No I (600-13-860) | 639/- | | | 1/12/87 | سید خان |
| do | | | 652/- | | | 1/12/87 | سید خان |

E.O. K
Sarachi

| Signature and designation of the officer or other assessing officer in estimation of column 1 to 3 | Date of termination of appointment | Reason of termination (such as promotion, transfer, dismissal, etc). | Signature of the head of the office or other assessing officer | Name and designation of leave taker | Allocation of period of leave on carry over basis for the purpose of transfer to another Government | Signature of the head of the office or other assessing officer | Reference to any records maintained or copies, as required or filed in the Government records |
|--|------------------------------------|--|--|-------------------------------------|---|--|--|
| | | | | | Period | Governing to which delectable | |
| Y. M. M. A. I. S. KURRAM | 30/11/84 | Inc. | Y. M. M. A. I. S. KURRAM | | | | Appointed as Chowkidar at G.P.S. Sarek uchi A.I.S. Kura NO. 2028-30 (Educ. F. 19) dt 28 Dec. 83. |
| Y. M. M. A. I. S. KURRAM | 30/11/85 | Inc. | Y. M. M. A. I. S. KURRAM | | | | |
| Y. M. M. A. I. S. KURRAM | 30/11/86 | Inc. | Y. M. M. A. I. S. KURRAM | | | | Service verified w.r. 22.11.83 to 30.11.85 from the office record. |
| Y. M. M. A. I. S. KURRAM | 30/11/87 | Inc. | Y. M. M. A. I. S. KURRAM | | | | Service verified w.r. 21.12.85 to 30.11.86 from office record. |
| Y. M. M. A. I. S. KURRAM | 30/11/87 | Inc. | Y. M. M. A. I. S. KURRAM | | | | SERVICE VERIFIED from 1.12.86 to 30.11.87 From Office Record |
| Y. M. M. A. I. S. KURRAM | 30/11/87 | Inc. | Y. M. M. A. I. S. KURRAM | | | | Agency Inspection Officer Kurrum Parachinar. |

Pay Fixation in R. P. S. 1983
 Pay Fixed in Basic Pay Bands
 No. 11/1/83 - 10-84
 dt R. 6/1/83 H. w. s. l. 17-1983 22-11-83
 with date of first increment on 1.12.1983 1-12-84

Assistant Accounts Officer
 ACCOUNTANT GENERAL (P.A.)
 PERS. OFFICE, PESHAWAR

Y. M. M. A. I. S. KURRAM
 Agency Inspection Officer of Schools,
 Kurrum Parachinar.

SERVICE VERIFIED
 from 1.12.86 to 30.11.87
 From Office Record

Agency Inspection Officer
 Kurrum Parachinar.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|--|---|---|---------------------------|------------------------------|--|---------------------|----------------------------------|
| Name of post | In respect of which the appointment is made, and whether permanent or temporary | If appointing state or substitute appointment of other person in respect of which the appointment is made | Pay in substance | Additional Pay for schooling | Other emoluments falling under this form | Date of appointment | Signature of Government official |
| B.P.S No (1012-13-360) | | | | | | | |
| A.P.S Sarak | officer | | 655/- | | | 1 12/88 | بیگم خان |
| do | do | | 678/- | | | 1 12/89 | بیگم خان |
| do | do | | 691/- 687/- | | | 1 12/90 | بیگم خان |
| Revised entries in B.P.S - 1 (920-26-1310) | | | | | | | |
| chowkidar post G.P.S sarak | do | | 1128/- | | | 1 6/91 | بیگم خان |
| do | do | | 1154/- | | | 1 12/91 | بیگم خان |
| do | do | | 1180/- | | | 1 12/92 | بیگم خان |
| do | do | | 1206/- | | | 1 12/93 | بیگم خان |
| Revision of Pay on 1994 (1245-35-170) | | | | | | | |
| do | do | | 1630/- | | | 1 6/94 | بیگم خان |
| do | do | | 1665/- | | | 1 12/94 | بیگم خان |
| do | do | | 1700/- | | | 1 12/95 | بیگم خان |

E.O. Parachinar
E.O. Kurrum Parachinar
E.O. Kurrum Parachinar
E.O. Parachinar
Agent

| 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | |
|---|--|------------------------------------|--|--|----------------------------------|---|---|---|--|
| | | | | | | Leave | | | |
| Agencies and designation of the head of the office or other appointing officer in attestation of columns 7 to 8 | | Date of termination of appointment | Reason of termination such as promotion, transfer, discharge, etc. | Signature of the head of the office or other appointing officer | Name and duration of leave taken | Allocation of period of leave on average pay into four months for which leave salary is payable in monthly Government | Signature of the head of the office or other appointing officer | Reference to any recorded pensionable or course, or reward or praise of the Government, if any. | |
| | | | | | | Government to which debit | | | |
| | <i>[Signature]</i> Agency Education Officer Kurrum Agency Parachinar | 30 11 87 | Inc. | <i>[Signature]</i> Agency Education Officer Kurrum Agency Parachinar | | | | Service verified from 1-12-87 to 30-11-90 from the office record. | |
| | <i>[Signature]</i> Agency Education Officer Kurrum Agency Parachinar | 30 11 89 | Inc. | <i>[Signature]</i> Agency Education Officer Kurrum Agency Parachinar | | | | | |
| | <i>[Signature]</i> Agency Education Officer Kurrum Agency Parachinar | 30 11 90 | Inc. | <i>[Signature]</i> Agency Education Officer Kurrum Agency Parachinar | | | | Service verified w.e.f. 1-12-90 to 30-11-92 from the acquittance held in the office record. | |
| | <i>[Signature]</i> Agency Education Officer Kurrum Agency Parachinar | 31 5 91 | Pay Revision | <i>[Signature]</i> Agency Education Officer Kurrum Agency Parachinar | | | | | |
| | <i>[Signature]</i> A.E.O. Kurrum Parachinar | 30 11 91 | Inc. | <i>[Signature]</i> A.E.O. Kurrum Parachinar | | | | | |
| | <i>[Signature]</i> A.E.O. Kurrum Parachinar | 30 11 92 | Inc. | <i>[Signature]</i> A.E.O. Kurrum Parachinar | | | | Service Verified w.e.f. 1-12-92 to 30-11-94 from office record, | |
| | <i>[Signature]</i> A.E.O. Kurrum Parachinar | 30 11 93 | Inc. | <i>[Signature]</i> A.E.O. Kurrum Parachinar | | | | | |
| | <i>[Signature]</i> A.E.O. Kurrum Parachinar | 31 5 94 | Pay Revision | <i>[Signature]</i> A.E.O. Kurrum Parachinar | | | | | |
| | <i>[Signature]</i> A.E.O. Kurrum Parachinar | 30 11 94 | Inc. | <i>[Signature]</i> A.E.O. Kurrum Parachinar | | | | | |
| | <i>[Signature]</i> A.E.O. Kurrum Parachinar | 30 11 95 | Inc. | <i>[Signature]</i> A.E.O. Kurrum Parachinar | | | | | |
| | <i>[Signature]</i> A.E.O. Kurrum Parachinar | 30 11 96 | Inc. | <i>[Signature]</i> A.E.O. Kurrum Parachinar | | | | | |

| Name of post | Whether substantive level or officiating and whether permanent or temporary | Classification (a) whether under pay commission or (b) whether service counts for pension under Act XVI U. S. R. | Pay scale | Additional pay or allowances | Other emoluments or allowances under the terms of pay | Date of appointment | Name of Government/Service |
|--|---|--|-----------|------------------------------|---|---------------------|----------------------------|
| B.P.S.T. (1245-35-1976) | | | | | | | |
| Chauki'dar at C.P.S. Sarali | off/Temp | | | 1735 | | 12/96 | مستوفی خان |
| do | do | | | 1770 | | 12/98 | مستوفی خان |
| Muzam. P.S.-2 (1270-44-1938) | | | | | | | |
| do | do | | | 1803 | | 12/98 | مستوفی خان |
| do | do | | | 1847 | | 12/99 | مستوفی خان |
| do | do | | | 1891 | | 12/2000 | مستوفی خان |
| do | do | | | 1935 | | 12/2001 | مستوفی خان |
| <p>Remuneration Pay hq. 1200 (1870-55-3520) vide F.I. Dept. No. 112001 (1870-55-3520) vide F.O. No. 15-11-2001</p> | | | | | | | |
| do | do | | | 2917 | | 12/2001 | مستوفی خان |
| do | do | | | 2970 | | 12/2002 | مستوفی خان |
| do | do | | | 3025 | | 12/2003 | مستوفی خان |
| do | do | | | 3080 | | 12/2004 | مستوفی خان |

| Signature and designation of the holder of the office or other authority after attestation in columns 5 to 8 | Date of appointment or appointment | Reason of cancellation (such as promotion, transfer, discharge, etc.) | Signature of the holder of the office or other authority after attestation | Period | Allocation of period of leave on average pay upto four months for which leave salary is payable to member (in column 5) | Signature of the head of the office or other executing officer | Signature of the member |
|--|------------------------------------|---|--|--------|---|--|-------------------------|
| Signature | 30/11/97 | Reason | Signature | | | | Signature |
| AEO Kurram Agency | 30/11/99 | None on | AEO Kurram | | | | AEO Kurram |
| Signature | 30/11/99 | Reason | Signature | | | | Signature |
| Signature | 30/11/2000 | Reason | Signature | | | | Signature |
| Signature | 30/11/2000 | Reason | Signature | | | | Signature |
| Signature | 1/12/2001 | Reason | Signature | | | | Signature |
| Signature | 30/11/2002 | Reason | Signature | | | | Signature |
| AEO Kurram Agency | 30/11/2003 | Reason | AEO Kurram Agency | | | | AEO Kurram Agency |
| Signature | 30/11/2004 | Reason | Signature | | | | Signature |
| AEO Kurram Agency | 30/6/05 | Pay Revision | AEO m Agency | | | | AEO m Agency |
| AEO Kurram Agency | | | | | | | |

Allocation of period of leave on average pay upto four months for which leave salary is payable to member (in column 5)

Signature of the head of the office or other executing officer

Signature of the member

Service Verified w.e.f. 1-12-94 To 30-11-96 from ...

Service Verified w.e.f. 01-12-96 To 30-11-99 from ...


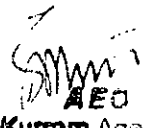
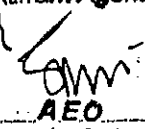
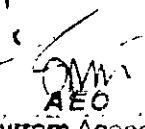


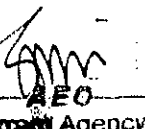

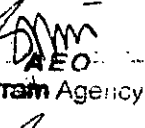


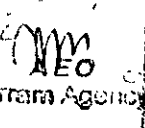


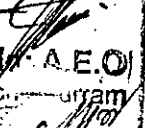

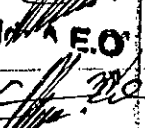

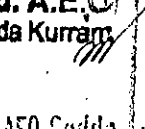
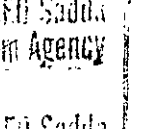
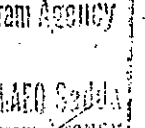

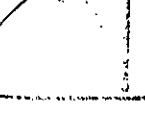
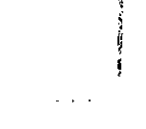
Service Verified from 1/12/99 to 30/11/2000 from the record.

Service Verified from 1/2000 to 30/11/2001 from the record of this office.

Handwritten notes and signatures in the top right corner, including a large signature and some illegible text.

| Class of work | Whether engaged as an employee of Government or otherwise | If affiliation state (i) gubernatorial appointment, or (ii) whether service under the pension rules Act, 1911, C. 1911. | Basic salary | Grade | Date of appointment | Signature of Government |
|---------------|---|---|--------------|-------|---------------------|-------------------------|
| | BPS-1 | | | | | |
| | Pay Revision 1-7-2005 | | | | | |
| | " | | 3580 | | 1/7/05 | محمد خان |
| | " | | 3645 | | 1/12/05 | محمد خان |
| | " | | 3710 | | 1/12/06 | محمد خان |
| | Pay Revision 1-7-07 | | | | | |
| | BPS-2 | | | | | |
| | " | | 4315 | | 1/7/07 | محمد خان |
| | BPS-2 | | 4400 | | 1/12/07 | محمد خان |
| | Pay Revision 1-7-08 | | | | | |
| | " | | 5235 | | 1/7/08 | محمد خان |
| | " | | 5335 | | 1/12/08 | محمد خان |
| | " | | 5435 | | 1-12/09 | محمد خان |
| | " | | 5535 | | 1/12/2010 | محمد خان |
| | BPS 2 (4900-170-10000) | | | | | |
| | " | | 9150 | | 1/7/2011 | محمد خان |
| | " | | 9320 | | 1/12/2011 | محمد خان |
| | " | | 9490 | | 01-12/2012 | محمد خان |
| | " | | 9660 | | 01-12/2013 | محمد خان |

Add: L&C
 Add: Sa
 Add: A Sadda K
 Add: AFD
 Add: AFD
 Add: AFD

| 1 | 2 | 3 | 4 |
|---|------------|--------------|--|
|  AEO Kurram Agency | 30/11/05 | Inc |  AEO Kurram Agency |
|  AEO Kurram Agency | 30/11/06 | Inc |  AEO Kurram Agency |
|  AEO Kurram Agency | 30/6/07 | Pay Revision |  AEO Kurram Agency |
|  AEO Kurram Agency | 30/11/07 | Inc |  AEO Kurram Agency |
|  AEO Kurram Agency | 30/6/08 | Pay Revision |  AEO Kurram Agency |
|  AEO Kurram Agency | 30/11/08 | Inc |  AEO Kurram Agency |
|  AEO Kurram Agency | 30/11/2009 | Inc |  AEO Kurram Agency |
|  Add: A.E.O L&C Kurram | 30/11/2010 | Inc |  Add: A.E.O Sadda Kurram |
|  Add: A.E.O Sac. Kurram | 30/6/2011 | Pay Revision |  Add: A.E.O Sadda Kurram |
|  Add: A.E.O Sa | 30/11/2011 | Inc |  Add: A.E.O Sadda Kurram |
|  Add: A.E.O Sadda Kurram | 30/11/2012 | Inc |  Add: A.E.O Sadda Kurram Agency |
|  Add: A.E.O Kurram Agency | 30/11/2013 | Inc |  Add: A.E.O Kurram Agency |

Leave
Allocation of period of leave on average pay upto four months for which leave balance is available at the end of the month.

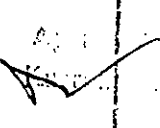
Signature of the head of the office or other authority officer

Reference to any awarded penalties or contrary of award or penal of the Government Service.

GPF Advance

Rs 2000/- sanctioned under Rule 16C as per AEO End. No. 4526/2011/987 D 11/X/03

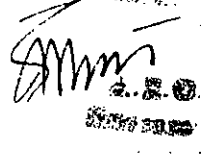
Rs 9000/- drawn via T.O. No. 329 D 16/X/13.

 Officer

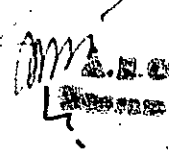
Rs 9000/- drawn via T.O. No. 706 D 29/X/03.

Agency Accounts Officer
Kurram Parachinar

01.12.2007 To 30.11.2008

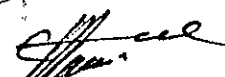
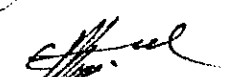
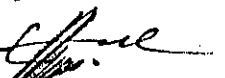
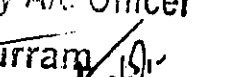
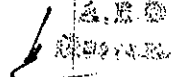
 A.E.O

01.12.2006 To 30.11.2008

 A.E.O

01.12.2008 To 30.11.2009

 A.E.O

| 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
|---|------------------------------------|--|--|---|---|--|---|
| | | | | Leave | | | |
| Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8 | Date of termination of appointment | Reason of termination (such as promotion, transfer, dismissal, etc). | Signature of the head of the office or other attesting officer | Nature and duration of leave taken | Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government | Signature of the head of the office or other attesting office. | Reference to any recorded punishment or censure, or reward or praise of the Government Servant. |
| | | | | Period | Government to which debitable | | |
| | | | | <u>Service verification</u> | | | |
| | | | | Service verified w.e.f 01-12-09 to 30-11-2010, from office record. | | | |
| | | | |  Add: A.E.O. Sadda Kurram | | | |
| | | | | <u>SERVICE VERIFICATION</u> | | | |
| | | | | Service verified w.e.f 1-12-10 to 30-11-2011 from office record. | | | |
| | | | |  Add: A.E.O. Sadda Kurram | | | |
| | | | | C/P Fund Advance Amounting to Rs: 65000/- in one instalment, vide Add: AEO LK&CK Enclt No: 1266-69 Dated: 14/5/2012 | | | |
| | | | |  Add: A.E.O. Sadda Kurram | | | |
| | | | | (non-repayable) C/P advance Rs 65000/- sanctioned under Rule 16(A) vide AEO Enclt No. 1266-69/5897 Dtd-5-11-12 (No. 63375)-2 vide Enclt No. 376/1615/2012 | | | |
| | | | | 01-12-2011 to 30-11-2012 Agency A/c Officer  Kurram | | | |
| | | | |  A.E.O. Sadda Kurram | | | |

(27)

Annexure UC 2

00675747 Musta Khan
(00000357) Grade: 02 NTN:
Father Name: Pirat Khan
CNIC: 2130289896017

Prev Pers No: 30289896017 Desig: CHOWKIDAR
Buckle No.: Gazetted/Non-Gazetted: N
Date Of Birth: 01.07.1964 Date Of Appointment: 21.12.1983

| | | | |
|---------------------------|-------------------|----------------------------|---------------------------|
| 0001 Basic Pay | 19,210.00 | 3300 GPF Other Govt. Emp | 710.00- |
| GPF#: | 37,094.00 | | |
| 1000 House Rent Allowance | 911.00 | 3661 E.E.F (Exchange) | 50.00- |
| 1210 Convey Allowance 20 | 1,785.00 | 3701 Benevolent Fund(Excha | 120.00- |
| 1300 Medical Allowance | 1,500.00 | 3705 R. Ben & Death Comp(E | 300.00- |
| 1516 Dress/ Uniform Allow | 100.00 | | |
| 1528 Unattractive Area A | 1,700.00 | | |
| 1567 Washing Allowance | 100.00 | | |
| 2148 15% Adhoc Relief All | 491.00 | | |
| 2199 Adhoc Relief Allow @ | 323.00 | | |
| 2211 Adhoc Relief All 201 | 1,604.00 | | |
| 2224 Adhoc Relief All 201 | 1,921.00 | | |
| PAYMENTS | 29,645.00 | DEDUCTIONS | 1,180.00- |
| NET PAY | 28,465.00 | 01.05.2018 31.05.2018 | |
| Branch Code: 231914 | LODHI KHEL BRANCH | | NATIONAL BANK OF PAKISTAN |
| KOHAT | Acct.No: 703-7 | | |

قیمت
50 روپے

56071



28

ایڈووکیٹ: علی عظیم آفریدی

بار کونسل ایسوسی ایشن نمبر: DC-16-6965

رابطہ نمبر: 0333-9555050

پشاور بار ایسوسی ایشن، خیبر پختونخوا

بعدالت جناب: سر سید محمد رفیق - - - - -

| | |
|-------------------------------|-------------------------|
| مخاطب: صیغہ خان | دعوی: سر سید اپیل |
| صیغہ خان بنام سر سید ایڈووکیٹ | علت نمبر: ریبل 18/15/14 |
| | مورخہ: |
| | جرم: |
| | تھانہ: |

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام لشکر کیلئے علی عظیم آفریدی کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت 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 اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 19.11.18

المواہ شد

مقام لشکر کے لیے منظور ہے

Accepted By
Ali

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 1404/2018

Mr. Masta KhanAppellant.

Vs

Secretary to Government of Khyber Pakhtunkhwa
Elementary & Secondary Education, Peshawar and othersRespondents.

Reply on behalf of respondent No. 5

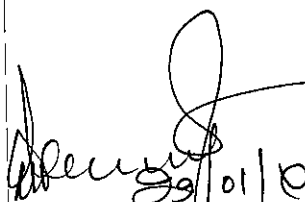
Respectfully Sheweth :-

Para 1 to 10:-

After detail scrutiny of the case it is submitted that the appellant is a Federal Government Employee of Respondent No.2 & 3 which comes under the audit jurisdiction of Accountant General Pakistan Revenue (Sub) office Peshawar. Instead to Respondent No.5.

And the appellant is getting his salary from Respondent No.2 through Agency Accounts Office which has not been made as Respondent by the appellant. Besides the appellant has raised no grievances against Respondent No.5. (Pay slip is attached please).

Keeping in view the above mentioned facts it is therefore humbly prayed that the instant case has no concern with Respondent No.5. Hence the name of Respondent No.5 may kindly be deleted from the list of Respondents.


89/01/0010
**ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

SERVICE APPEAL No. 1404/2018

Masta khan chowkidar GPS sarak kurram District kurram

.....appellant

Versus

1. **Secretary Education (E&SE) Khyber Pakhtunkhwa.**
2. **The Director Education FATA secretariat warsak road Peshawar.**
3. **Agency education officer Sadda kurram agency**

.....Respondents

Para wise Comments on behalf of Respondent No.2&3.

Preliminary objections.

- That the appellant has got no cause of action of file the instant appeal.
- That the appellant has not come to this Honorable Tribunal with clean hands.
- That the appellant has concerned material facts from this Honorable Tribunal.
- That the appellant is estopped by his own conduct to bring the present appeal.
- That the appeal is bad due to mis- joinder and non- joinder of necessary parties.
- That the appeal is barred by law and no departmental appeal id filed to the competent authority against the impugned order. Hence not maintainable under section -4 of service Tribunal Act.
- That there is no final order hence the Honorable Tribunal has no jurisdiction to adjudication the matter.

Respectfully sheweth

1. No comments. Pertains to record.
2. No comments. Pertains to record.
3. No comments. Pertain to record.
4. No comments. Pertain to record.
5. Incorrect. According to Honorable Supreme Court of Pakistan " each and every case has its own merit and circumstances.

ON FACTS

6. No comments. Pertain to record.
7. Incorrect. The Departmental appeal is not available on the record of respondents department.
8. Incorrect. In this regards a letter has been received from Addl: District Education Officer Sadda Kurram and stated that there is local dispute


8. Incorrect. In this regard a letter has been received from Addl: District Education Officer Sadda Kurram and stated that there is local dispute over class -IV posts at GPS Sarak and veterinary centre Sarak between two parties i.e Haji Muhammad Sadiq and other versus Lal Muhammad and others. Copy of the service is attached as Annexure-A.
9. Incorrect. Due to law and order situation the competent authority stopped the salary on account of dispute between the two parties.
10. Incorrect. No dairy No. has been recorded nor any instant have been recorded on the body of departmental appeal made by the appellant for the release of his pay.

GROUNDS

- A. Incorrect. The salary of the appellant has been stopped by the Assistant Commissioner Central Kurram Sadda being competent authority class-IV posts on acute of dispute between two parties to save needful over from Lawn and order situation. Copy of the same letter is attached as Annexure-B.
- B. No comments. As explained in para-A above.
- C. Incorrect. The competent authority has the right to take action in the interest of public.
- D. Incorrect. Each and every employees are bound to perform their duty according to law and rules issue by the Govt. from time to time the interest of public.
- E. ~~Comments~~ as explained in para-D above.
- F. ~~Comments~~ Pertains to record.
- G. Incorrect. The Honorable Tribunal hereby requested to decide the case on merit. Respondents will implemented the Judgment in letter and in accordance with law and rules.
- H. ~~Comments~~ As explained in para -G above.
- I. Respondents are also seek permission to advance other grounds at the time or arguments.

In the light of above facts it is hereby prayed that the aspect may very kindly be dismissed.

Respondent No. 2


Director Education
Merged Areas.

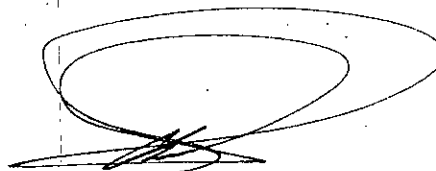
Respondent No.3


Addl. District Education Officer
Tribal District Kurram

AFFIDAVIT

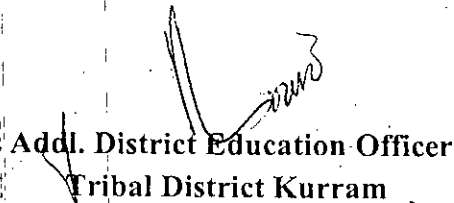
We the above respondents do hereby declare and affirm that the above comments are true and correct to the best of our knowledge and thereof noting has been concealed from this honorable Tribunal.

Respondent No. 2



**Director Education
Merged Areas.**

Respondent No.3



**Addl. District Education Officer
Tribal District Kurram**



Add: District Education Officer Lower &
Central Kurram Sadda

No 236-40 /Edu:

Dated 28 / 03 /2019

Ph 0926-520674 Mail: educationssadda@gmail.com

To

1. The Director of Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.
2. Section Officer (Lit:II).
E&SE Department Civil Secretariat Peshawar.

Subject: PARAWISE COMMENTS IN SERVICE APPEAL NO: 1404/2018, CASE
TITLED MASTA KHAN CLASS-IV GPS SARAK KURRAM

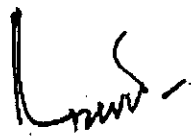
Memo:-

Reference to the subject noted above and to state that there is a local dispute over class- IV posts at GPS Sarak and Veterinary Centre Sarak between two parties i.e Haji Muhammad Sadiq and others versus Lal Muhammad and others.

1. Mr Masta Khan S/O Pirat Khan is a permanent chowkdiar of GPS Sarak Central Kurram.
2. He has been appointed on 28.12.1983 vide AEO No 2028-F-19 dated 28.12.1983.
3. As per his service he has taken his salaries regularly from last 35 Years i.e up to 31.05.2018.
4. But stopped his salary on the direction of Assistant Commissioner Central Kurram Vide No 743-45/AC-CK Dated 11.06.2018 (copy attached)
5. Mr Masta Khan S/O Pirat Khan Chowkdiar GPS Sarak performing his duties regularly up to date inspite of his salary stoppage (copy of the attendance register attached.

In this regard the comments is hereby submitted for further necessary action

Please.


Add: District Education Officer
Lower & Central Kurram Sadda

No _____/Edu: Dated ____/____/2019

Copy for information to the:-

1. Director of Education Newly Merged Tribal Districts Peshawar.
2. Deputy Commissioner Tribal District Kurram.
3. Assistant Commissioner Central Kurram at Sadda.


Add: District Education Officer
Lower & Central Kurram Sadda



15A

Add: District Education Officer Lower &
Central Kurram Sadda

No _____/Edu:

Dated _____/_____/2019

Ph 0926-520674 Mail: education@sadda@gmail.com

To

1. The Director of Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.
2. Section Officer (Lit:II)
E&SE Department Civil Secretariat Peshawar.

Subject: PREPARATION OF JOINT PARAWISE COMMENTS IN SERVICE APPEAL
NO: 1404/2018, CASE TITLED MASTA KHAN CLASS-IV GPS SARAK
KURRAM VERSUS GOVT: OF KHYBER PAKHTUNKHWA E&SE
DEPARTMENT, KHYBER PAKHTUNKHWA & OTHERS.

Memo:-

Reference to your letter No 840/Lit: II Dated Peshawar the 31.12.2018 on the subject cited above and to state that there is a local dispute over class- IV posts at GPS Sarak and Veterinary Centre Sarak between two parties i.e Haji Muhammad Sadiq and others versus Lal Muhammad and others. Their case is in honorable FATA Tribunal Peshawar as per report of Assistant Commissioner Central Kurram vide letter No 743-45/AC-CK dated 11.06.2018 (copy attached).

Furthermore the salaries of Mr Masta Khan S/o Pirat Khan Chowkdiar GPS Sarak Central Kurram has been stopped through District Account Office Kurram vide this office letter No 5549-52/Edu Dated 13.06.2018 (copy attached) till the decision of honorable court as per direction of AC Central Kurram.

In this regard undersigned is waiting for their final decision and the information of the above subject case is hereby submitted for further necessary action please.

Add: District Education Officer
Lower & Central Kurram Sadda

No 8372-76/Edu: Dated 25/01/2019

Copy for information to the:-

1. Director of Education Newly Merged Tribal Districts Peshawar.
2. Deputy Commissioner Tribal District Kurram.
3. Assistant Commissioner Central Kurram at Sadda.

Add: District Education Officer
Lower & Central Kurram Sadda

Add: District Education Officer
Lower & Central Kurram Sadda

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 326/29 /ST Dated 11/02/2021

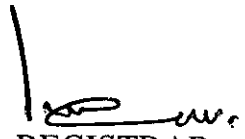
To

1. The District Education Officer,
Government of Khyber Pakhtunkhwa,
Sadda, District Kurram.
2. Accountant General,
Government of Khyber Pakhtunkhwa,
Peshawar.
3. Director E&SE,
Government of Khyber Pakhtunkhwa,
Peshawar.
4. District Accounts Officer,
Government of Khyber Pakhtunkhwa,
Sadda, District Kurram.

Subject: **JUDGMENT IN APPEAL NO. 1404/2018, MR. MASTA KHAN.**

I am directed to forward herewith a certified copy of Judgement dated 20.01.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.