

Appeal No. 348/2013  
Mr. Subhi Muhammad

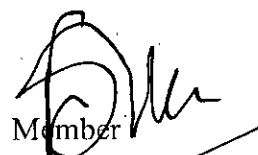
3. 18.3.2013

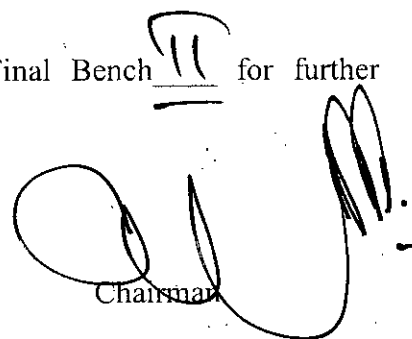
Counsel for the appellant present and heard. Contended that the appellant has not been treated in accordance with the law. The appellant was validly appointed as Pharmacy Technician (Dispenser) in BPS-9 vide order dated 19.9.2011 and since then he has been performing his duty regularly but he has not been paid his pay since September 2012. The appellant preferred a departmental appeal on 21.10.2012 but with no response. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notices be issued to the respondents. Case adjourned to 23.4.2013 for submission of written reply.

Appellant deposited  
Process fee & Security  
Rs. 160/- Bank Receipt  
attached with file

4. 18.3.2013

This case be put before the Final Bench II for further proceedings.

  
Member

  
Chairman

23.04.2013

Appellant in person present and produced a copy of order dated 11.04.2013 whereby his grievance has been redressed. He submitted an application for withdrawal of the appeal. Application is allowed and the appeal is dismissed as withdrawn. File be consigned to the record.

ANNOUNCED  
23.04.2013

MEMBER 

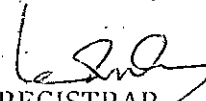
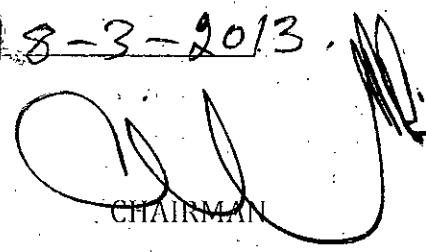
  
MEMBER

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 348 /2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	07/02/2013	<p>The appeal of Mr. Sakhi- Muhammad presented today by Mr. M.Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	13-2-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>18-3-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

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

Appeal No. 348 /2013

Mr. Sakhi Mohammad

V/S

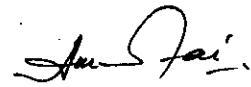
Health FATA Deptt.

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S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-03
2.	Copy of Service Book	- A -	04-06
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4.	Copy of Appeal	- C -	08
5.	Vakalat Nama	-----	09

APPELLANT  
Sakhi Mohammad

THROUGH:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

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

Appeal No. 348 /2013

Mr. Sakhi Mohammad, Pharmacy Technician,  
North Waziristan Agency.

**L.W.F. Peshawar**  
**Case No. 387**  
**07-2-13**

**APPELLANT**

VERSUS

1. The Director Health (FATA), Department, Warsak Road, Peshawar.
2. The Agency Surgeon, North Waziristan Agency, Miranshah.

**RESPONDENTS**

.....

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 FOR GRANTING MONTHLY PAY WITH EFFECT FROM SEPTEMBER, 2012 TILL DATE AND ONWARD AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF NINETY DAYS.

.....

**PRAYER:**

**[Signature]**  
**7/2/13**

THAT ON ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO PAY MONTHLY SALARIES TO THE APPELLANT WITH EFFECT FROM SEPTEMBER, 2012 TILL DATE AND ONWARD BEING STILL IN SERVICE AND PERFORMING DUTY. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND PROPER THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

That the appellant is still in service performing his duty and has not been terminated so far, therefore, the appellant is entitled for his claim of the monthly salaries legally.

(B)

That not paying the monthly salaries to the appellant and stoppage of pay without any proper order, actually amounts to an arbitrary act on the part of the respondents which is not tenable in the eyes of law.

(C)

That the appellant has not been treated according to law and rules and has been deprived from the monthly salaries despite proper performance of duty, thus the action of the respondents is totally illegal and without lawful authority.

(D)

That being a civil servant, the appellant is entitled to the salaries of the post in accordance with Section-17 of the Civil Servant Act, 1973.

(E)

That the appellant has been condemned unheard and no prior chance of defense or hearing was provided to the appellant while stopping his monthly salaries.

(F)

That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

(G)

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

APPELLANT  
Sakhi Mohammad

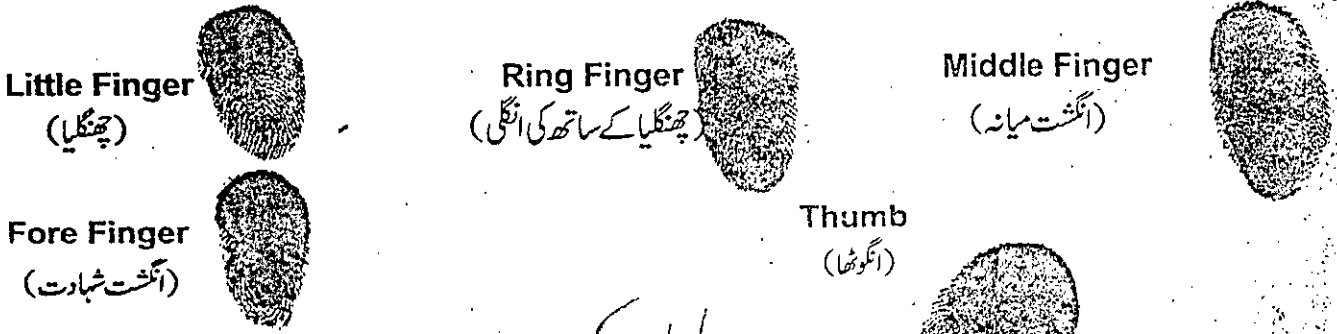
THROUGH:

ADVOCATE, PESHAWAR.  
( M. ASIF YOUSAFZAI )

- 1- Name (نام) SAKHI MUHAMMAD.
- 2- Nationality and Religion Pakistani - Islam.  
(قومیت اور مذہب)
- 3- Residence village Issori, P.O. Teh. Mir Ali (NW-1)  
(مستقل رہائش)
- 4- Father's name and residence Sher Muhammad - As above.  
(والد کا نام اور پتہ)
- 5- Date of birth by christian era as nearly as can be ascertained 08-03-1989 (Eightth March, N.H. Eighty Nine.  
(تاریخ پیدائش مطابق سن عیسوی)
- 6- Exact height by measurement \_\_\_\_\_  
(قد و قامت)
- 7- Personal mark of identificator \_\_\_\_\_  
(نشان شناخت)

8. Left hand/right hand thumb and finger-impressions of (Non-gazetted officer)

(مرد کی صورت میں بائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)



9. Signature of Govt. Servent  
(سرکاری ملازم کے دستخط)

*Sakhi Muhammad*

10. Signature and designation of the Head of the Office or other Attesting officer

(تصدیق کنندہ افسر کے دستخط اور مہر)

*[Signature]*  
Agency Surgeon  
North Waziristan Agency  
Miralshah

ATTESTED  
*[Signature]*

**Note:** The entries in this page should be renewed or re-attested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need no be taken after every 5 years under this rule.

اس صفحہ کے دستورچہ کم از کم پانچ سال بعد تصدیق ہونا ضروری ہیں اور نمبر 9 اور 10 میں دستخطوں کے نیچے تاریخ لکھنی چاہیے۔

انگلیوں کے نشانات کے لئے ہر پانچ سال کے بعد تصدیق کی ضرورت نہیں



8	9	10	11	12	13		14	15
Signature of Government servant	Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal)	Signature of the head of the office or other Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave net exceeding 120 days) to which leave salary is debitable to another Government. چار ماہ تک کی رخصت کے لئے اوسط تنخواہ کا تعین Period عرصہ Government to which debitable گورنمنٹ سے رقم ادا ہوگی	Signature of the Head of the office or other attesting Officer	Reference to any recorded punishment or censure, reward or praised of the Government servants
دستخط سرکاری ملازم	دستخط افسر مجاز	تاریخ انقطاع ملازمت	وجوہات انقطاع ملازمت ترقی تبادلہ یا برطرفی	دستخط افسر مجاز	رخصت کی نوعیت و معیار	APPOINTED as Pharmacy Technician (Dispenser) at Civil Dispensary Hakeem Kai Mani Rogha vide Agency Surgeon N-W-A under No: 2768-71 dt: 19/9/11	دستخط افسر مجاز	سزا یا جزا یا غیر مناسبت کارکردگی کا ریکارڈ
	Agency Surgeon North Waziristan Agency Miran Shah			Agency Surgeon North Waziristan Agency Miran Shah		Agency Surgeon North Waziristan Agency Miran Shah		
						Passed SSE from BISE Bannu under R.No= 70810 during 2005 (Annual) and obtained 575/1050 Marks.		
						Passed FA Exam: from BISE Bannu under R.No: 21596 during 2007 (A) and obtained 609/1100 Marks.		
						ATTESTED A		



B

(7)

Charge Report

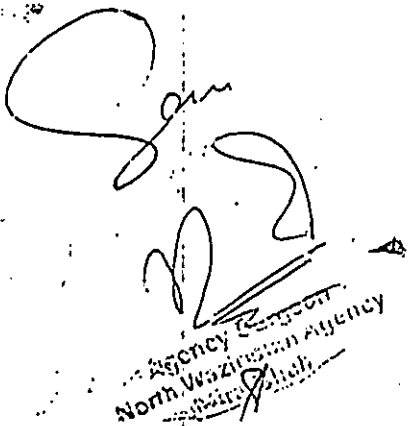
In compliance with the Agency Surgeon  
NWA Miranshah order No. 2768-71 dated

19-9-2011, I assume charge of the post

of Pharmacy technician (Dispenser) at

Civil dispensary Hakeem kut Mami Raghua

this day on 20/9/2011 (FN).

  
Agency Surgeon  
North Waziristan Agency  
Miranshah

Sachin Kumar  
Pharmacy technician  
Civil dispensary Hakeem kut  
Mami Raghua.

**TESTED**  


الحكومة الفيدرالية  
وزارت امور مستعماريات

اپیل در ایڈیلیٹر آف

جائیداد

نہایت خود بخود اس کے تحت چلے کر خودی کے لئے گزشتہ ایجنسی 31 جون 2012

آرڈر نمبر 71-2768 صرف 19-9-2011 کو جاری کیا گیا ہے۔ (9-9-2011)

گہری ہوا چاہئے کہ وہ 9/2011 کو جاری کیا گیا ہے۔ 31-8-2012 کو جاری کیا گیا ہے۔

تعمیرات کے لئے ایڈیلیٹر آف کے پاس 9/2011 کو جاری کیا گیا ہے۔

میں نے اس کے لئے ایڈیلیٹر آف کے پاس 9/2011 کو جاری کیا گیا ہے۔

گہری ہوا چاہئے کہ وہ 9/2011 کو جاری کیا گیا ہے۔

صرف 31-10-2012

AGENCIJA ZA  
POSREDOVANJE  
U PROMETU NEKRETNIM  
DOPUNJEN  
21-X-2012

مستحق شدہ کاروباری ادارے کے لئے  
وزارت امور مستعماريات

A

# VAKALAT NAMA

NO. \_\_\_\_\_/20

IN THE COURT OF Service Tribunal Peshawar

Sakhi Mohammad

(Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Health Dept.

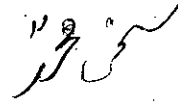
(Respondent)  
(Defendant)

I/We Sakhi Mohammad (Appellant)

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

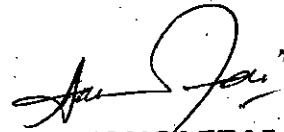
I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20



( CLIENT )

ACCEPTED



**M. ASIF YOUSAFZAI**  
Advocate


**M. ASIF YOUSAFZAI**  
Advocate High Court,  
Peshawar.

**OFFICE:**

Room No.1, Upper Floor,  
Islamia Club Building,  
Khyber Bazar Peshawar.  
Ph.091-2211391-  
0333-9103240

R/sio,

In response of Agency surgeon order  
Issued under NO-1316-18 dt: 11-4-013, my appeal  
No. 348/013 may kindly be withdrawn as the  
competent authority released my pay.

  
Sakhi Mahmood S/o  
Sardar  
Pharmacy technician  
Health Dept. FATA.