

27.07.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Faheem Khan, Assistant for official respondents present.

File to come up alongwith connected Service Appeal No. 259/2022 titled "Atta Ullah Khan Vs Government of Khyber Pakhtunkhwa" on 28.09.2022 before S.B.



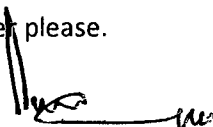


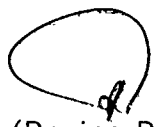
(Fareeha Paul)  
Member (E)

Form- A

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 303/2022 \_\_\_\_\_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/03/2022	<p>The appeal of Miss. Rawasia resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>8-4-2022</u></p> <p> CHAIRMAN</p>
	8/4/2022	<p>Counsel for the appellant present and requested for adjournment. Request accepted. Last chance is given. To come up for preliminary hearing on 6/6/2022 before Sb.</p> <p> CHAIRMAN</p>
	06.06.2022	<p>Junior to counsel for the appellant present.</p> <p>File to come up alongwith connected Service Appeal No.259/2022 titled Attaullah Khan Vs. Government of Khyber Pakhtunkhwa on 27.07.2022 before S.B.</p> <p> (Rozina Rehman) Member (J)</p>

Mayat ulh

The appeal submitted by Mr. Noor Muhammad Khattak Advocate today i.e. on 08.02.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

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

No. 359 /S.T,

Dt. 11/02 /2022

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.


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

Re-Submitted after doing needful.



Impugned Order dt 14-7-2021  
was attached as annexure D  
Page 9/A.

Re-submitted after Completion.

 28/22

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

SERVICE APPEAL NO. 241 /2022

**INAYAT ULLAH**

**V/S**

**HEALTH DEPTT:**

**INDEX**

<b>S.N.</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
<b>1</b>	Memo of appeal	.....	1 - 3
<b>2</b>	Affidavit	.....	4
<b>3</b>	Appointment order dt: 30.11.2020	<b>A</b>	5
<b>4</b>	Medical certificate	<b>B</b>	6
<b>5</b>	Arrival report	<b>C</b>	7
<b>6</b>	Pay slip	<b>D</b>	8-9
<b>7</b>	Departmental appeal	<b>E</b>	10
<b>8</b>	Wakalat Nama	.....	11

Dated: \_\_\_\_\_ .2022

**APPELLANT**

Through:

**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

**0345-9383141**

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

APPEAL NO. \_\_\_\_\_/2022

Mr Inayatullah, Chowkidar,  
DHO Office, NWTD.

..... **APPELLANT**

**VERSUS**

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

..... **RESPONDENTS**

**SERVICE APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED INACTION OF THE RESPONDENTS BY NOT RELEASING THE MONTHLY SALARIES OF THE APPELLANT WITH EFFECT FROM JUNE 2021 TILL DATE AND AGAINST NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this appeal the respondents may kindly be directed to release the monthly salaries of the appellant w.e.f June 2021 till date with all consequential benefits. Any other remedy which this August Tribunal deems fit that may also be awarded in favour of the appellant.

**R. SHEWETH:**

**ON FACTS:**

- 1- That the appellant was initially appointed as Chowkidar in the respondent Department w.e.f 30-11-2020. Copy of appointment order is attached as annexure ..... **A.**
- 2- That after appointment the appellant was medically examined and declared fit by the concerned authority and after being fit the appellant submitted his arrival report to the concerned office. Copy of medical certificate and arrival report is annexed as annexure..... **B&C.**
- 3- That the appellant started performing his services with zeal and zest and up to the entire satisfaction of his superiors.

- 4- That unfortunately the salaries of the appellant have been stopped w.e.f June 2021 till date without any legal justification against which the appellant has submitted applications time and again. That it is very pertinent to mention the pay bills have been passed after regularization of the appellant but till date the said bills have not been released to the appellant. Copies of the pay bills are attached as annexure.....**D.**
- 5- That feeling aggrieved from the inaction of the respondents by not releasing the salaries, the appellant filed Departmental appeal but no reply has been received so far. Hence the instant appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure ..... **E.**

**GROUND:**

- A- That the impugned inaction of the respondents by not releasing the salaries of the appellant since June 2021 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the concerned authority in accordance with law and rules and as such the authority violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the appellant is still performing his duties and the inaction of the respondents by not releasing her salaries is amounting to forced labour which is the blatant violation of the Article 11 of the Constitution of Pakistan, 1973.
- D- That the respondents discriminated the appellant by not releasing the monthly salaries of the appellant.
- E- That the inaction of the respondents by not releasing the monthly salaries of the appellant is against the norms of natural justice.
- F- That the inaction of the respondents by not releasing the monthly salaries of the appellant is arbitrary and malafide.
- G- That the inaction of the respondents by not releasing monthly salaries of the appellant w.e.f. regularization till date is against section 17 of the Civil Servant Act, 1973.
- H- That appellant seeks permission and advance other grounds and proofs at the time of hearing.

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

Dated: \_\_\_\_\_. \_\_\_\_\_. 2022

**APPELLANT**

  
**INAYATULLAH**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK**

**&**

  
**HAIDER ALI**

**ADVOCATES, PESHAWAR**

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

SERVICE APPEAL NO. \_\_\_\_\_ /2022

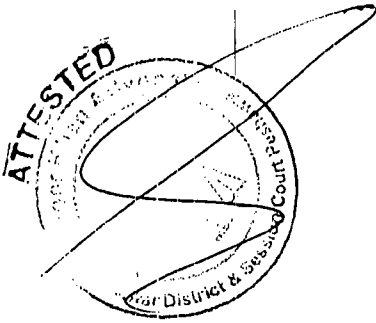
**INAYAT ULLAH**

**VS**

**HEALTH DEPTT:**

**AFFIDAVIT**

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



*AD*  
**DEPONENT**

**CERTIFICATE:**

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

*[Signature]*  
**CERTIFICATION**



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

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

Email: agency.surg@nwa2019@gmail.com

ANNEXURE = A

OFFICE ORDER:

On the recommendation of Departmental Selection Committee, Mr. Imiyat Ullah S/O Muhammad Sub Khan resident of village Khaddi Tehsil & P/O Mirali NWTD is hereby appointed as Chowkidar in BPS-03 (9900-440-23100) plus usual allowances as admissible under the rules against the existing vacant post at DHO OFFICE North Waziristan Tribal District in the best interest of public services with immediate effect.

His appointment shall be on the following terms and conditions.

1. He is declared medically fit for this job
2. His appointment shall be for a permanent basis from the date of his joining in service.
3. He shall be bound to serve for at least 3 years in North Waziristan Agency.
4. He shall not indulge in any trade, business and any other activity what so ever which has been declared prohibited for the Government Servants in Civil Servant Act: 1973.
5. If he wishes to resign the services a prior notice of 30 days will be submitted, otherwise one month pay should be deposited in Government treasury through challan.
6. He will have to serve anywhere in North Waziristan Tribal District.
7. Salaries should be released after the verification of all the documents by the concerned Board/Faculty etc.
8. He will not be entitled for any TA/DA for joining the service.
9. If he accepts the above terms and condition he have to report for duty to the DHO OFFICE with in 15 days of the receipt of this offer, otherwise the order will be considered as cancelled.

Sd:xxxxxxxxxxxxx

(Dr. Ikram Ullah)

District Health Officer

North Waziristan Tribal District

dated: the 30/11/2020

No. 5845-47 app:

1. Director Health Services Merged Areas Peshawar for information please.
2. Deputy Commissioner North Waziristan Tribal District North Waziristan.
3. District Account officer Tribal District North Waziristan Miranshah.
4. Accounts/Pay Bill Clerk of this office.
5. Official concerned.

District Health Officer  
North Waziristan Tribal District

~~APPROVED~~

MEDICAL CERTIFICATE

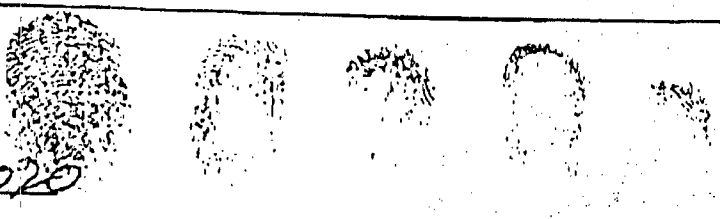
ANNEXURE = B-6

Name of Official Muhammad Ullah  
 Caste or race Muslim  
 Father's Name Muhammad Subhan  
 Residence Khadki Tehsil and P/O Miran Sah  
 Date of Birth \_\_\_\_\_  
 Exact height by measurement 5-5  
 Personal Mark of Identification NID  
 Signature of the Official \_\_\_\_\_  
 Signature of head of Office \_\_\_\_\_

Seal of Office 

I do hereby certify that I have examined Mr./Miss. Muhammad Ullah  
 Candidate for employment in the Office of the Health department  
 And can not discover that he/She had any disease communicable or other constitutional effect join or  
 bodily infirmity except NID

I do not consider this as disqualification for employment in this office of the  
Health department his/her age according to his own statement \_\_\_\_\_  
 Years and by appearance about \_\_\_\_\_ years.

LEFT HAND THUMB AND FINGER IMPRESSION 02/12/2020  


~~Stamp~~

To,

The District Health Officer,  
North Waziristan TD Miranshah.

ANNEXURE-C

**Subject: Arrival Report.**

R/Sir,

In compliance with your good office order bearing endstt: NWTD  
office order No. 5845-47 /Apptt:  
dated 30/11 /2020.

I have the honour to submit herewith my arrival report for duty as a  
chowkidar BPS 03 at  
DHO Office Miranshah today on  
01/12 /2020, FN.

Dated: 01/12 /2020.

  
Thanks  
Yours Obediently,

Inayatullah  
Chowkidar B-3  
DHO Office NW Miranshah

  
  
District Health Officer  
NWTD Miranshah  
DHO

~~ATTACHED~~

OFFICE OF THE DISTRICT HEALTH OFFICER

ANNEXURE - E -

DDO CODE - MW6006

CASH CENNTER-- DISTRICT HEALTH OFFICER

EMPLOYEE CNIC NUMBER 0214896-7

DOB (DD/MM/YYYY)

21505-0214896-7

3-2-2000

DATE OF ENTRY OF GOVT SERVICE (DD/MM/YYYY)

DESIGNATION BPS DOMICILE

Inayat Ullah 30/11/2020

Chowkidar 03 NWTD

EMPLOYEE NAME

HUSBAND/FATHER NAME

Inayat Ullah

Muhammad Sub Khan

PERMANENT ADDRESS

RELIGION NATIONALITY

Village khaddi Tehsil Mir Ali

ISLAM PAKISTANI

PAYMENT ALLOWANCE

Wage Type	Code No	Description	Regular	ADJ W.E.FROM
0001	Ao1151	PAY		
1000	AO1202	HRA		
1210	AO1203	CON:ALLOW		
1567	AO1207	WA		81065282
1516	AO1208	DA		
1947	AO1217	MA		
1528	AO1233	UAA		8480230
2151	AO121T	AR15%2013		
0000	0000	AR10%2015	AP #	97/708
		AR10%2016		
		AR10%2017		B/1257
		AR10%2018		
GROSS TOTAL				AC/0010078387270010

ABL Mir Ali

DEDUCTIONS		
CODE	DESCRIPTION	AMOUNT
3300	GP FUND	
3710	B/FUND	vide D/O Letter
3704	G/INSURANCE	No. 1/654/dt 11-6-21
	RBDC	
TOTAL DEDUCTION		

CERTIFICATES

1. Certified that the CNIC issued by NDRA has been verified and found correct.
2. Certified that the entire particular mentioned above are correct and service Book attached with proforma is original and has been signed up to date by the concerned officer.
3. Certified that the employee mentioned above regular in attendance and has not been preceded abroad Pakistan.

District Account Officer  
Tribal District Miran Shah

DISTRICT HEATH OFFICER  
TRIBAL DISTRICT MIRAN SHAH  
District Health Officer  
WTD Miranshah

ATTESTED

ANNEXURE - D - 9

Miran Shah-N.W.

S#:1491

P Sec:001 Month:May 2021  
MW6006 -DHO Health North Wazirista  
DHO HEALTH NORTH WAZIRIST

Pers #: 00971708 Buckle:  
Name: INAYAT ULLAH  
CHOWKIDAR

NTN:  
GPF #:  
Old #:

CNIC No.2150502148967  
GPF Interest Applied  
03 Active Temporary

PAYS AND ALLOWANCES:

0001-Basic Pay	9,610.00
1000-House Rent Allowance	1,413.00
1210-Convey Allowance 2005	1,785.00
1300-Medical Allowance	1,500.00
1516-Dress/ uniform Allowance	150.00
1528-Unattractive Area Allow	1,000.00
1567-washing Allowance	150.00
2211-Adhoc Relief All 2016 10%	804.00
2224-Adhoc Relief All 2017 10%	961.00
Gross Pay and Allowances	19,295.00

MW6006 -

DEDUCTIONS:

GPF Balance 770.00  
3501-Benevolent Fund  
4004-R. Benefits & Death Comp:

Subrc: 770.00  
600.00  
300.00

Total Deductions

1,670.00

17,625.00

D.O.B  
03.02.2000  
00 Years 06 Months 003 Days

LFP Quota:  
ALLIED BANK LIMITED MIR ALI BRANCH.  
0010078387270010

~~ALLIED~~

DIRECTOR GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR

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

No Accounts Miranshah Dated the 14.07.2021

\*\*\*\*\*

To,

The District Accounts Officer  
North Waziristan TD Miranshah

SUBJECT, AUTHORITY/ PROCESSING OF ACCOUNT MATTERS /BILLS

Dear Sir.

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

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

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

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

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

DISTRICT HEALTH OFFICER  
NORTH WAZIRISTAN TD MIRANSHAH

Endst No. 12572-73  
Copy forwarded to the

Dated : 14.07.2021

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

DISTRICT HEALTH OFFICER  
NORTH WAZIRISTAN TD MIRANSHAH

RECEIVED

To,

ANNEXURE = E-10

The Director General Health Services,  
Khyber Pakhtunkhwa Peshawar.

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

Dear Sir,

With due respect it is stated that I am performing my duty as a Chowkidar BPS-03, since 30/11/2020 up to date continuously / regularly under the control of the District Health Officer North Waziristan Tribal District Miranshah with great zeal and zest. My salaries are released by the EX-DHO NWTD in the month of May 2021. Personal No. 971708 is allotted to me. Proper my salaries bill is signed by ex-DHO and further submitted to District Account Office NWTD for released and signature. The District Account Officer concerned signed my pay bill. The DAO concerned handed over my pay bill to concerned auditor for punching in SAP System. (copy of pay bill & pay slip is attached **Annex-A&B**). Now my pay & allowances is again stopped by Dr.Hafizullah DHO NWTD, illegally without any reasons .He has draft letter to District Account officer with the request to return all the salaries bills i.e source-I & II signed by the then DHO to the office of current DHO for proper counter signature and verification. (Copy of impugned letter dated 14/07/2021 is attached **Annex-C**). Now the DHO Concerned is not in position to attest my salary bill nor noted any observation on my bill.


It is therefore, requested, in your kind honor to please direct the DHO Concerned to release our salaries from the date of stoppage i.e June 2021, along with remaining salaries and onward please.

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

Dated: 18/10/2021.

Thank

Your obediently,

  
Inayatullah

Chowkidar BPS-03.

DHO Office NWTD

**ATTACHED**

**VAKALATNAMA**

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

APPEAL NO: \_\_\_\_\_ OF 2022

INAYAT ULLAH \_\_\_\_\_ (APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

HEALTH \_\_\_\_\_ (RESPONDENT)  
(DEFENDANT)

I/We Inayat Ullah

Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2022

  
CLIENTS

ACCEPTED

  
NOOR MUHAMMAD KHATTAK

  
UMER FAROOQ MOHMAND

  
KAMRAN KHAN

  
SAID KHAN

  
HAIDER ALI

&  
  
KHANZAD GUL