

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. - 350 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/03/2022	<p>The appeal resubmitted today by Mr. Noor Mohammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> 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 style="text-align: right;"> 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 S.B.</p> <p style="text-align: right;"> 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 style="text-align: right;"> (Rozina Rehman) Member (J)</p>

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. 377 /S.T,

Dt. 11/2 /2022

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

- The impugned order was not provided rather the salary was stopped against which appellant filed Deptt. Appeal.

Resubmitted

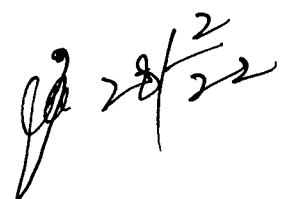


Impugned order dt- 14-7-2021

was Attached AS Annexure- D

Page 8/A.

Re-submitted after completion.

  
28/2/22

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

SERVICE APPEAL NO. 262 /2022

DIL NAWAZ

V/S

HEALTH DEPTT:

**INDEX**

S.N ①	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	.....	1 - 3
2	Affidavit	.....	4
3	Appointment order dt: 28.07.2020	A	5
4	Medical certificate	B	6
5	Arrival report	C	7
6	Pay slip	D	8
7	Departmental appeal	E	9
8	Wakalat Nama	.....	10

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

**APPELLANT**

Through:

**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**  
**0345-9383141**

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

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

Mr Dil Nawaz Khan, CT Surgical,  
DHO Office, NWTD.

..... **APPELLANT**

**VERSUS**

- 1- The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
- 2- The District Health Officer, Tribal District 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 28-07-2020 I.E FROM THE DATE OF REGULARIZATION OF SERVICE 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 28-07-2020 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 CT Surgical in the respondent Department w.e.f 28-07-2020. 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 28-07-2020 i.e., from the date of regularization 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 regularization 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 his 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**

*Dil Nawaz Khan*  
**DIL NAWAZ KHAN**

**THROUGH:**

*Noor Mohammad Khattak*  
**NOOR MOHAMMAD KHATTAK**

*Haider Ali*  
**& HAIDER ALI**

**ADVOCATES, PESHAWAR**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

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

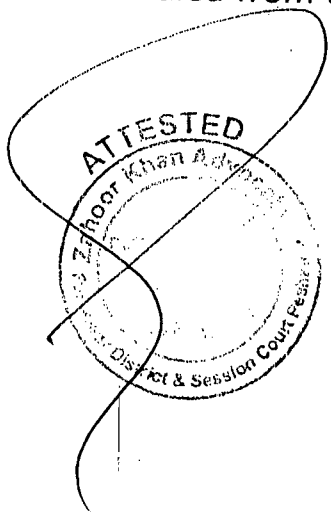
**DIL NAWAZ**

**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.



*[Handwritten Signature]*  
**DEPONENT**

**CERTIFICATE:**

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

*[Handwritten Signature]*  
**CERTIFICATION**



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

Tel: (0928)300788 Fax: (0928)311662

Email: agencysurgeonwna2018@gmail.com

**OFFICE ORDER:**

On the recommendation of Departmental Selection committee, Mr. Dil Nawaz Khan S/O Ayub Nawaz Khan resident of District Bannu is hereby appointed as a CT Surgical in BPS-12 (13320-960-42120) plus usual allowances as admissible under the rules against the existing vacant post at Type C Hospital Mirali 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 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.
- 4- 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.
- 5- He will have to serve anywhere in North Waziristan Tribal District.
- 6- Salaries should be released after the verification of all the documents by the concerned Board/Faculty etc.
- 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 Incharge SMO Type C Hospital Mirali within 15 days for the receipt of this offer, otherwise the order will be considered as cancelled.

Sd:xxxxxxxxxx

(Dr. Muhammad Israr Ul Haq)

District Health Officer

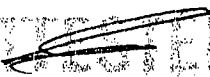
North Waziristan Tribal District

dated 28 / 07 / 2020.

No. 3283-86 / Apptt:


1. Deputy Commissioner North Waziristan Tribal District North Waziristan.
2. District Account Officer Tribal District North Waziristan Miranshah.
3. Accounts/Pay Bill Clerk of this office.
4. Incharge SMO Type C Hospital Mirali
5. Official Concerned

  
District Health Officer  
North Waziristan Tribal District



## MEDICAL CERTIFICATE

Name of Official Mr. Dil Nawaz Khan  
 Caste or race Muslim  
 Father's Name Ayub Nawaz Khan  
 Residence Kotka Ismail Khani District  
Rannu  
 Date of Birth 15-05-2000  
 Exact height by measurement 5-5  
 Personal Mark of Identification Nil  
 Signature of the Official \_\_\_\_\_  
 Signature of head of Office Report for duty to duty

Seal of Office  29<sup>07</sup> 2020  
 District Health Officer  
 Miran Shah NWTD

I do hereby certify that I have examined Mr./M<sup>rs</sup>. Dil Nawaz Khan  
 Candidate for employment in the Office of the Health Dept: NWTD  
 And can not discover that he/She had any disease communicable or other constitutional effect join or  
 bodily infirmity except Nil

I do not consider this as disqualification for employment in this office of the

Health Dept his/her age according to his own statement 20  
 Years and by appearance about Twenty years.

LEFT HAND THUMB AND FINGER  
 IMPRESSION 29/07/2020

  
 Senior Medical Officer  
 Type C Hospital Mirali

~~APPROVED~~

To,

ANNEX

C

7

The District Health Officer,  
North Waziristan TD Miranshah.

**Subject: Arrival Report.**

R/Sir,

In compliance with the District Health Officer, NWTD office order No. 3283-86/Apptt: dated 28 /07/2020.


I have the honour to submit herewith my arrival report for duty as a CT Anesthesia BPS-12, at Type-C, Hospital Mirali today on 29/07/2020, FN.

Dated: 29/07/2020.

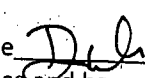
Accepted

  
District Health Officer  
NWTD Miranshah

Thanks

  
Yours Obediently,  
Mr. Dil Nawaz Khan  
CT Surgical BPS-12,  
Type-C, Hospital Mirali  
03365023557

Dea.	
Net Total	

Signature of Employee 

1. Certified that the Employee mentioned above is regular attendance and have not been proceeded abroad Pakistan.

OFFICE OF THE DISTRICT HEALTH OFFICER NORTH WAZIRISTAN MIRANSHAH.  
CNIC#

ANNEX D

1 1 1 0 1 0 6 2 3 4 4 2 1

8

Date of Birth 15/05/2006

Date of Apptt: 28/07/2020

Name Dil Nawaz Khan

F/Name Ayub Nawaz Khan

Grade 12

Designation CT Surgical

GP Fund A/C No \_\_\_\_\_

Cash Center MW 6006

Department: Health Department

DD Code: MW 6006

B. Pay Scale 15240/- Religion: Islam

Contact If any \_\_\_\_\_

Permanent Add: District Bannu

Code	Pay & All:	Regular
0001	AO1151 Pay	15240
1000	AO1202 HRA	2940
1210	Convene Allowance	2856
1300	MA	1500
1528	UAA	1500
2211	AR-10% NEW	1101
2224	AR-10% NEW	1524
2247	AR-10% NEW	1524
2264	AR-10% NEW	1524
4516	Dress/Uniform	
2309	AR-100%	1524
4567	Washing Allowance	
2209	HPA	15000
G: Total		
Ded:		
Net Total		

Code	Deduction	
3004	GP Fund	2220
3501	BF	600
4004	R&B	600
Total:		3420

Signature of Employee Dil

1. Certified that the Employee mentioned above is regular attendance and have not been proceeded abroad Pakistan.
2. All the particulars mentioned above are correct and the service book attached with the proforma is original and has been signed upto date by the DDO Concerned.
3. Certified that CNIC issued by NADARA has been verified and found correct.

Entered/Checked By \_\_\_\_\_

Signature & Seale \_\_\_\_\_

[Signature]  
District Account Officer  
North Waziristan, Miranshah

[Signature]  
District Health Officer  
North Waziristan, Miranshah

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 un-authorized 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

12572-73

ANNEX

E

(9)

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 CT Surgical BPS-12, since 28/07/2020 up to date continuously / regularly under the control of the District Health Officer North Waziristan Tribal District Miranshah with great zeal and zest. My pay & allowances are stopped by the ex- District Health Officer due to non-computerization. After that I had submitted application to the DHO concerned NWTD with the request to release my salaries from the date of stoppage. My salaries are released by the EX-DHO NWTD in the month of March 2021. 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 is attached **Annex-A**). 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 returned all the salaries bills i.e source-I & II signed by the then DHO to the office of DHO for proper counter signature and verification. (Copy of impugned letter dated 14/07/2021 is attached **Annex-B**). Now nor the DHO Concerned attested 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 regularization / stoppage i.e 28/07/2020 up to date please.

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

Dated: 14 / 10 /2021.

Thanks

Your obediently,

Mr.Dil Nawaz Khan

CT Surgical BPS-12.

DHO Office NWTD

**VAKALATNAMA**

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

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

DIL NAWAZ \_\_\_\_\_ (APPELLANT)  
(PLAINTIFF)  
(PETITIONER)


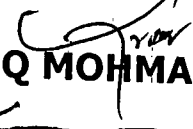



**VERSUS**

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

I/We \_\_\_\_\_  
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**  
**ADVOCATES**