


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.




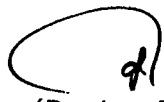

(Fareeha Paul)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 287/2022

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. Shehnaza 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-	8/4/2022	<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>
	06.06.2022	<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> CHAIRMAN</p>
		<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>

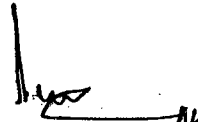
wasiaullah

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. 374 /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 8/A.

Re-submitted after completion.

 20/22

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR CHECK LIST

Case Title: *Wasia Ullah* VIS *Health* DEPTT:

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: NOOR MOHAMMAD KHATTAK	✓	
2	Whether Counsel/Appellant/Respondent/Deponents have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly pagged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On		
26	Whether copies of comments/reply/rejoinder submitted? On		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: **NOOR MOHAMMAD KHATTAK**

Signature: _____

Dated: _____

2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 268 /2022

WASIQ ULLAH

V/S

HEALTH DEPTT:

INDEX

S.N ①	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1 - 3
2	Affidavit	4
3	Appointment order dt: 23.06.2021	A	5
4	Medical certificate	B	6
5	Arrival report	C	7
6	Pay bill	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 Wasiqullah, MP Pharmacy,
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 01-07-2021 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 01-07-2021 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 MP Pharmacy in the respondent Department w.e.f 23-06-2021. 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 01-07-2021 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

Wasiq
WASIQ ULLAH

THROUGH:

Noor
NOOR MOHAMMAD KHATTAK

&

Haider Ali
HAIDER ALI
ADVOCATES, PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

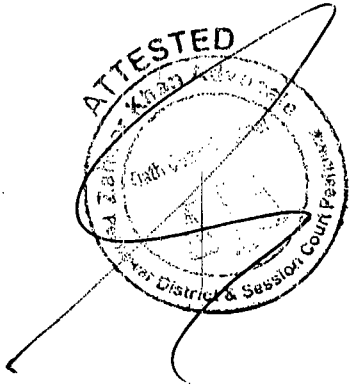
WASIQ ULLAH

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.



Wasiq
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 Surgeon nwa2018@gmail.com

ANNEXURE A

OFFICE ORDER:

On the recommendation of the departmental selection committee the following individuals are hereby appointed against the newly created vacant posts mentioned against each in basic pay scale noted against their names, plus usual allowances as admissible under the rules.

5

Name	F/Name	Address	Designation	Pay scale
Asif Nawaz	Noor Nawaz Khan	Hamzoni Alikhel NWTD	MP Malaria Supervisor BPS-12	(13320-960-42120)
Muhammad Sadiq	Shahid Nawaz	District Bannu	-do-	(13320-960-42120)
Rasool Gul	Hayat Gul	NWTD	-do-	(13320-960-42120)
Wasiqullah	Sher Ajam Khan	NWTD	MP Pharmacy BPS-12	(13320-960-42120)
Asif Ur Rehman	Shams Rehman U	NWTD	-do-	(13320-960-42120)
Aftabullah	Muhammad Rafiq	Land Syed Abad NWTD	MP Malaria Supervisor BPS-12	(13320-960-42120)

There appointment shall be on the following terms and conditions.

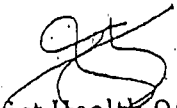
- 1-They are declared medically fit for this job.
- 2-Their appointment shall be for a permanent basis from the date of his joining in service.
- 3-They shall not indulge in any trade, business and any other activity what so ever which has been declared prohibited for the Government Servants in Civil Servant Act: 1973.
- 4-If they wish 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-They will have to serve anywhere in North Waziristan Tribal District.
- 9-Their Salaries will be released after the verification of their CNIC, Domicile certificate and Clarence/character certificate.
- 7-They will not be entitled for any TA/DA for joining the service.
- 8-If they accept the above terms and condition they have to report for duty to the undersigned within 15 days of the receipt of this offer, otherwise the order will be considered as cancelled.

Sd:xxxxxxx
District Health Officer,
North Waziristan Tribal District.

No 1964-67 Apptt: dated 23/06/2021.
Copy forwarded to the:

1. Deputy Commissioner North Waziristan Tribal District.
2. District Account officer Tribal District North Waziristan Miranshah.
3. Accounts/Pay Bill Clerk of this office.
4. Officials concerned.

ATTACHED


District Health Officer,
North Waziristan Tribal District.

N.W.F.P Med No.4

GS&PD-NWFP-27IS-2000 P of 100-29-7-98--- (16)

MEDICAL CERTIFICATE

Name of Official Mr. Wasizullah
 Caste or race Muslim
 Father's Name Sher Ajam Khan
 Residence Nawana Kalikhal Tehsil
and P/O Mirali NWTD
 Date of Birth 23 10-03-2000
 Exact height by measurement 4-3
 Personal Mark of Identification NIL
 Signature of the Official Wasiz
 Signature of head of Office _____
 Report for duty today on Report for duty today on 25/6/2021

Seal of Office

I do hereby certify that I have examined Mr./M^{rs}. Wasizullah
 Candidate for employment in the Office of the Health Deptt.
 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 Deptt. his/her age according to his own statement 21
 Years and by appearance about Twenty one years.

LEFT HAND THUMB AND FINGER IMPRESSION 22/06/2021

[Signature]
 Incharge Type - C Hospital
 Mirali NWTD

[Signature]

To,

The District Health Officer,
North Waziristan TD Miranshah.

ANNEXURE C

7

Subject: Arrival Report.

R/Sir,

In compliance with your good office order bearing endstt: NWTD
office order No. 11964-67 /Apptt:
dated 23/06 /2021.

I have the honour to submit herewith my arrival report for duty as a

MP Pharmacy BPS-12, at
DHO Office NWTD today on
25/06 /2021, FN.

Dated: 25/06 /2021.

Accepted

District Health Officer
NWTD Miranshah

Thanks

W/19

Yours Obediently

Wasiqullah

Sp Sher Afgan Khan

MP Pharmacy.

B-12

ATTESTED

OFFICE OF THE DISTRICT HEALTH OFFICER NORTH WAZIRISTAN MIRANSHAH

CNIC#

ANNEXURE B

2150517387561

Date of Birth 10/03/2000

Date of Apptt: 23/06/2021

Name Wasizullah

F/Name Sher Ajam Khan

Grade 12

Designation MP Pharmacy

GP Fund A/C No

Cash Center

Department: Health Department

DD Code: MW 6006

B. Pay Scale 13320/-

Religion: Islam

Permanent Add: NWT D

Contact If any

Code	Pay & All:	Regular	
0001	AO1151 Pay	13320	1776
1000	AO1202 HRA	1961	522
1210	Convene Allowance	2856	761
1300	MA	1500	400
1528	UAA	1500	400
2211	AR-10% NEW	1101	293
2224	AR-10% NEW	1332	355
2247	AR-10% NEW	1332	355
2264	AR-10% NEW	1332	355
1518	Dress/Uniform	1332	355
4667 2209	Washing HPA Allowance	15000	4000
G: Total		42566/-	-
Ded:		2820/-	-
Net Total		39746/-	8972/-

W. e. 5. 24/6/2021 8 days

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

Signature of Employee Wasizullah

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

District Account Officer
NWT D, Miranshah

ATTESTED

District Health Officer
NWT D

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 HEALTHN OFFICER
NORTH WAZIRISTAN TD MIRANSHAH

ATTACHED

To

The Director Health Services
Khyber Pakhtunkhwa,
Peshawar.

E - 9

Subject: DEPARTMENTAL APPEAL AGAINST THE INACTION OF
THE RESPONDENT BY NOT RELEASING SALARIES OF
THE APPELLANT FROM THE DATE OF JOINING SERVICE
I.E 23-06-2021 TILL DATE

Respected Sir,

It is humbly stated that I was appointed as MP Pharmacy (BPS-12) in office of District Health Officer North Waziristan Tribal District vide Endorsement No,1964-67/Apt. Dated 23-06-2021. That in compliance with the aforementioned order after appearance before the Incharge Type-C Hospital Mirali NWTD , I submitted arrival report to the District Health Officer North Waziristan TD Miransha and since then I performing duties devotedly and with the entire satisfaction of superiors. That astonishingly salary of the appellant though prepared and signed by the DHO NWTD having a certificate that the employee has regular attendance but withheld for the reasons not known/conveyed to the appellant. That nonpayment of salary to an employee is against law, norms of justice and morality. That this Islamic Welfare State is under obligation to help the needy and destitute in the hours of woes being provided in the Maqasade Shari'a .

In view of above, it is humbly requested that on acceptance of this departmental appeal, salaries of the appellant for the period from the date of joining service i.e 23/06/2021 till date may kindly be released enabling me to feed and clothe family members as I have no other source of income for sustenance .

Thanking you in anticipation.

Dated: -. 24.10-2022

OBEDIENTLY YOUR'S

WASIQ ULLAH
MP PHARMACY (BPS-12)
OFFICE OF DHO NWTD

10

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO: _____ OF 2022

WASIQ ULLAH _____ (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

HEALTH _____ (RESPONDENT)
(DEFENDANT)

I/We wasiaq 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

وہابی

CLIENTS

ACCEPTED

NOOR MUHAMMAD KHATTAK

UMER FAROOQ MOHMAND

KAMRAN KHAN

SAID KHAN

HAIDER ALI

&

KHANZAD GUL
ADVOCATES