


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.


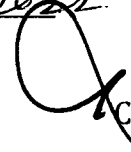



(Fareeha Paul)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 372 /2022

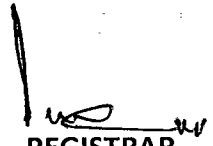
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/03/2022	<p>The appeal of resubmitted today by Mr. Noor Mohammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	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 style="text-align: right;"> 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 style="text-align: right;"> 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 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 appellants for completion and resubmission within 15 days.


- 1- Copy of impugned order dated 14.07.2021 against which appellants 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. 378 /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 is stopped against which Deptt. Appeal has been filed.
Re Submitted 

Impugned order dt - 14-7-2021

was Attached as Annexure D

Page 8/10.

Re-submitted after completion.


12/2/22

Objection no. 2 still stand, Hence the appeal is returned again to the counsel for appellant to complete and resubmit within 15 days.

A mi
Assistant Registrar

No. 587

Dated 28-2-2022

Re-submitted after completion.

7/25

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 319 /2022

MUHAMMAD KHAN

V/S

HEALTH DEPTT:

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Dated: _____ .2022

APPELLANT

Through:

NOOR MOHAMMAD KHATTAK
ADVOCATE

0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. _____/2022

Mr. Muhammad Khan, Sweeper (BPS-04),
BHU Ghanam Kot, Hazlamai Piran,
North Waziristan Tribal District.

.....**APPELLANT**

VERSUS

- 1- The Director General Health Services Khyber Pakhtunkhwa, Peshawar.
- 2- The District Health Officer, North Waziristan Tribal District.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED INACTION OF THE RESPONDENTS BY NOT RELEASING THE MONTHLY SALARIES OF THE APPELLANT W-E-F 21.03.2021 AND 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 21.03.2021 with all consequential benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That appellant being eligible in all respect and qualified was appointed as Word Orderly (BPS-04) in the respondent department vide order dated 21.01.2021 and was then duly examined by the concerned medical officer. Copy of appointment order and medical certificate are attached as annexure**A & B.**
- 2- That it is important to mention here that the subject post was duly created vid order dated 14.10.2020. Copy of the order dated 14.10.2020 is attached as annexures**C.**

- 3- That it is very pertinent to mention the pay bills have passed after appointment 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.**
- 4- That feeling aggrieved the appellant time and again visited the concerned quarter for the release of his salaries but of no avail.
- 5- That the appellant feeling aggrieved from the inaction of the respondents by not releasing the monthly salary w-e-f 21.3.2021 preferred Departmental appeal before the respondents but no response has been given so far. Copy of the Departmental appeal is attached as annexure **E.**
- 6- That appellant feeling highly aggrieved and having no other remedy filed the instant service appeal on the following grounds inter-alia as under:-

GROUND:

- A- That the impugned inaction of the respondents by not releasing the monthly salaries of the appellant is against the law, facts, norms of natural justice and materials on the record.
- B- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents 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 monthly salaries of the appellant is amounting to forced labour which is the blatant violation of the Article 11 of the constitution of the Islamic republic of Pakistan, 1973.
- D- That the respondents discriminated the appellant by not releasing the monthly salaries of the appellant.
- E- That inaction of the respondents by not releasing the monthly salaries of the appellant is against the norms 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. appointment till date is against section 17 of the Civil Servant Act, 1973

H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 14.01.2022

APPELLANT

MUHAMMAD KHAN

THROUGH:

NOOR MOHAMMAD KHATTAK

KAMRAN KHAN

UMAR FAROOQ

SAID KHAN

HAIDER ALI

**&
KHAZAD GUL ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

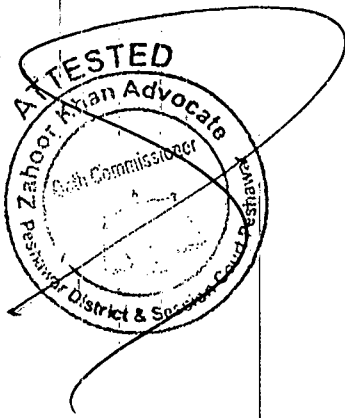
MUHAMMAD KHAN

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.




DEPONENT

CERTIFICATE:

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


CERTIFICATION

ANNEXURE
A

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

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

Email: agency Surgeon nwa2018@gmail.com

OFFICE ORDER:

As recommended by the Manager Employment, Exchange Bannu office, vide his letter No. Ref/No. 020/2021/EEB/Appointment dated 14/01/2021. The following individuals are here by appointed against the newly created vacant posts at **BHU Ghanam Kot Hazlamai Piran** in basic pay scale noted against their names, plus usual allowances as admissible under the rules.

S#	Name	F/Name	Address	Name of Post with BPS	Pay scale	registration card No	P # Code
1	Muhammad Ismail Khan	Haji Arsala Khan	Hazlami Piran Tehsil Data Khel	Word Orderly BPS-04	9900-440-23100	077/2020	81066246
2	Pir Abdul Aziz	Sifat Ullah	Hazlami Piran Tehsil Data Khel	Word Attendant BPS-04	9900-440-23100	053/2020	81066243
3	Muhammad Khan	Muhamma d Ayaz	Hazlami Piran Tehsil Data Khel	Sweeper BPS -04	9610-390-21310	039/2020	81066192
4	Abdullah Noor Khan	Naimat Ullah khan	Hazlami Piran Tehsil Data Khel	Chowkidar BPS-03	9610-390-21310	060/2020	81065953

Their appointment shall be on the following terms and conditions.

They are declared medically fit for this job.

Their appointment shall be for a permanent basis from the date of their joining in service.

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.

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.

They will have to serve anywhere in North Waziristan Tribal District.

Their Salaries will be released after the verification of their CNIC, Domicile certificate and Clarence/character certificate.

They will not be entitled for any TA/DA for joining the service.

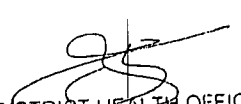
If they accept the above terms and condition they have to report for duty to the **BHU Ghanam Kot Hazlamai Piran** within 15 days of the receipt of this offer, otherwise the order will be considered as cancelled.

Sd:xxxxxxxxxx
DISTRICT HEALTH OFFICER
NWT D MIRANSHAH

No. 134-37 /Apptt: dated 21 /01/2021.

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.


DISTRICT HEALTH OFFICER
NWT D MIRANSHAH

ATTESTED

MEDICAL CERTIFICATE

Name of Official Muhammad Khan

Caste or race Muslim

Father's Name Muhammad Ayyaz

Residence Haylami Piran Tehsil Dadar
Chel P/O Boga NWTD.

Date of Birth 01-05-2002

Exact height by measurement 4-3

Personal Mark of Identification Nil

Signature of the Official [Signature]

Signature of head of Office _____

Report for duty today on Report for duty to duty on 22/01/2021

Seal of Office

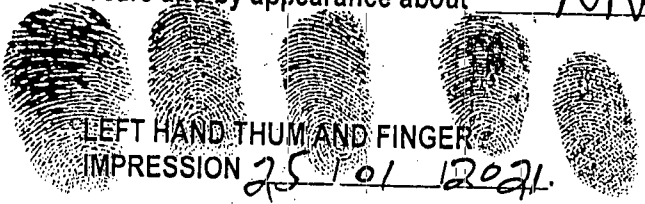
I do hereby certify that I have examined Mr./Miss Muhammad Khan

Candidate for employment in the Office of the Health Dept.

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 19

Years and by appearance about Nineteen years.



LEFT HAND THUMB AND FINGER IMPRESSION 25/01/2021

[Signature]
Incharge Type - C Hospital
Mirali NWTD

ATTEST

ANNEXURE

C

7



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar, the 14-10-2020

No. SOB-III/HD/3-1/Merged Areas. In pursuance of Finance Department (NMA's) letter No. SO(F-II)/FD/1-4/SNE/Health/80-posts/2020-21/443 dated 17-09-2020, sanction is hereby accorded to the creation of following 8-posts of different categories in BHU Ghanm Kot District North Waziristan of the newly Merged Areas during the CFY 2020-21.

BHU Ghanm Kot

S.No.	Position ID	Nomenclature of Posts	BPS	No. of Posts	Pay
1	81066130	Medical Officer	17	1	364440
2	81066056	PHC Tech (MCH)	12	1	159840
3	81066191	PHC Tech (Pharmacy)	12	1	159840
4	81066190	PHC Tech (Pharmacy)	12	1	159840
5	81066243	Ward Attendant	4	1	118800
6	81066246	Ward Orderly	4	1	118800
7	81065953	Chowkidar	3	1	115320
8	81066192	Sweeper	3	1	115320
Total				8	1312200
Total Regular Allowances					2146450
Grand Total					3458650

The expenditure involved is debitable to function cum object Classification-07-Health-076-Health Administration -0761-Administration -076101-Administration (MW-8006)-District North Waziristan and will be met out within the sanctioned budget grant during current financial year-2020-21.

SECRETARY HEALTH

Date: 17-09-2020

No. SO(F-II)/FD/1-4/SNE/Health/80-posts/2020-21

Copy forwarded to the District Accounts Officer, North Waziristan.

[Signature]
Budget Officer (C-II)
FINANCE DEPARTMENT

Endst. No. & Date even:

- Copy for information to the
1. The Director Health Services Merged Areas, Peshawar.
 2. District Health Officer, North Waziristan at Miranshah.
 3. Budget Officer (C-II) Finance Department Govt. of Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (Budget-II)

2

OFFICE OF THE DISTRICT HEALTH OFFICER NORTH WAZIRISTAN MIRANSHAH

0-8

CNIC#

2	1	5	0	1	2	0	6	6	5	4	3	9
---	---	---	---	---	---	---	---	---	---	---	---	---

Date of Birth 01/05/2002 Date of Apptt: 21/01/2021

Name Muhamma d Khan F/Name Muhammad Ayaz

Grade _____ Designation _____

GP Fund A/C No _____ Cash Center MW 6006

Department: Health Department DD Code: MW 6006 Position Code: _____

B. Pay Scale _____ 81068/92

Religion: Islam

Permanent Add: BHU Ghanam ka Ghoghami

Contact If any _____

Code	Pay & All:	Regular
0001	AO1151	10340
1000	Pay	1458
	AO1202	
1210	HRA	1785
	Convene Allowance	
1300	MA	1500
1528	UAA	1500
2211	AR-10% NEW	804
2224	AR-10% NEW	1034
2247	AR-10% NEW	1034
2264	AR-10% NEW	1034
1516	Dress/Uniform	100
1567	Washing Allowance	100
G: Total		20689
Ded:		
Net Total		

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

AK 010 5275/69

B/Code: 8201

Meghan Bank

Signature of Employee _____

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
District Health Officer
NWT D 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

ATTACHED

The Director General Health Services,
Khyber Pakhtunkhwa Peshawar.

E - (9)

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 Sweeper BPS-03, since 21/01/2021 up to date continuously / regularly at BHU Ghanam Kot Hazlamai Piran 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 March 2021. Proper my salaries bill is signed by ex-DHO and further submitted to District Account Office NWTD for release 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**). 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 current 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 my salaries from the date of computerization / stoppage i.e 21/03/2021 up to date please.

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

Dated: 14 / 10 /2021.

Thanks

Your obediently,
Mr.Muhammad Khan
Ward Attendant BPS-03.
BHU Ghanam Kot NWTD.

VAKALATNAMA

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

APPEAL NO: _____ OF 2021

M. Khan (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Health Deptt. (RESPONDENT)
(DEFENDANT)

I/We M. Khan

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. ____/____/2021

ib
CLIENTS

ib
ACCEPTED

NOOR MUHAMMAD KHATTAK

Kamran Khan
KAMRAN KHAN

Said Khan
SAID KHAN

Haider Ali
HAIDER ALI

**&
KHAZAD GUL
ADVOCATES**