

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.- 404 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/03/2022	<p>The appeal 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>8-4-022</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 Sb.</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>

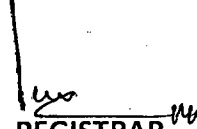
Humayun Khan

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. 369 /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 14-7-21 was
attached as Annexer D Page 8/A*

Resubmitted after completion.



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

No 582

A mi

Dated 28-2-2022

Re-submitted after completion.

7/3/22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 320 /2022

HAMAYUN KHAN

V/S

HEALTH DEPTT:

I N D E X

S N O	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1 – 3
2	Affidavit	4
3	Appointment order dt: 24.03.2021	A	5
4	Arrival report	B	6
5	Pay slip	C	7
6	Complaint	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 Hamayun Khan, Naib Qasid,
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 24-07-2021 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 24-07-2021 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 Naib Qasid in the respondent Department w.e.f 24-03-2021. 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 arrival report is annexed as annexure..... **B.**
- 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 24-07-2021 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 bill & complaint are attached as annexure..... C & 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.

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

Dated: ____ . ____ . 2022

APPELLANT
Hamayun Khan
HAMAYUN KHAN

THROUGH:

NOOR MOHAMMAD KHATTAK
& *Haider Ali*
HAIDER ALI
ADVOCATES, PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

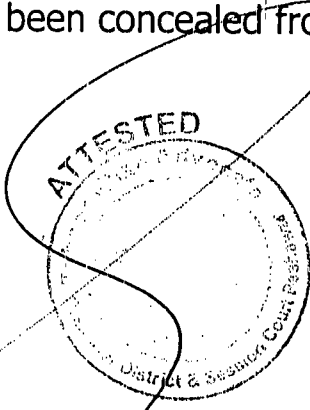
HAMAYUN KHAN

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.



ہمایون خان
DEPONENT

CERTIFICATE:

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

CERTIFICATION

ANNEX 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

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OFFICE ORDER:

On the recommendation of Departmental Selection committee, Mr. Hamayun Khan S/O Ashraf Khan resident of village Dawar Ghazlami Piran Tehsil Dattakhel & P/O Boya NWTB is hereby appointed as a Naib Qasid in BPS-3 (9610-390-21310) plus usual allowances as admissible under the rules against the existing vacant post under the control of the undersigned at 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 TD.
- 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 challn.
- 6-He will have to serve anywhere in North Waziristan Tribal District.
- 7-Salaries should be released after the verification of his CNIC, domicile certificate etc. he will also produce character certificate.
- 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 undersigned with in 15 days of the receipt of this offer, otherwise the order will be considered as cancelled.

Sd:xxxxxxxxxxxxxx
(Dr. Ikramullah)
DISTRICT HEALTH OFFICER
NWTB MIRANSHAH

No. 8917-12 /Apptt:

dated 24/03 /2021.

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


DISTRICT HEALTH OFFICER
NWTB MIRANSHAH

~~ANNEX A~~

ANNEX B.

6

To,

The District Health Officer,
North Waziristan TD Miranshah.

Subject: Arrival Report.

R/Sir,

In compliance with your good office order bearing endstt: NWTD
office order No. 8917-12 /Apptt:
dated 24/103 /2021.

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

Naib Qasid BPS-12, at
DHO office NWTD today on
25/103 /2021, FN.

Dated: 25/103 /2021.

Thanks

وہ جواباً
Yours Obediently,

Hamayun Khan

S/O Ashraf Khan

Naib Qasid.

DHO office NWTD.

Accepted.


District Health Officer
NWTD Miranshah
28/10/21

~~RECEIVED~~

Miran Shah-N.W.

S#:1499

P Sec:001 Month:May 2021
MW6006 -DHO Health North Wazirista
DHO HEALTH NORTH WAZIRISTPers #: 00971713 Buckle:
Name: HAMAYUN KHAN
NAIB QASID
CNIC No.2150196399195
GPF Interest Applied
03 Active TemporaryNTN:
GPF #:
Old #:

MW6006 -

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
1833-Integrated Allowance (2005)	450.00
2211-Adhoc Relief All 2016 10%	804.00
2224-Adhoc Relief All 2017 10%	961.00
2247-Adhoc Relief All 2018 10%	961.00
2264-Adhoc Relief All 2019 10%	961.00
Gross Pay and Allowances	18,445.00

DEDUCTIONS:

GPF Balance	770.00	Subrc:	770.00
3501-Benevolent Fund			600.00
4004-R. Benefits & Death Comp:			300.00

Total Deductions

1,670.00

16,775.00

D.O.B
01.01.1990
00 Years 03 Months 001 DaysLFP Quota:
MEEZAN BANK LIMITED SALAMI CHOWK BANNU
0105271919~~APPROVED~~

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO: _____ OF 2022

HAMAYUN KHAN _____ (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

HEALTH _____ (RESPONDENT)
(DEFENDANT)

I/We Hamayun 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. ____/____/2022

Umer Farooq Mohmand
CLIENTS

ACCEPTED
Noor Muhammad Khattak
NOOR MUHAMMAD KHATTAK
Umer Farooq Mohmand
UMER FAROOQ MOHMAND
Kamran Khan
KAMRAN KHAN
Said Khan
SAID KHAN
Haider Ali
HAIDER ALI
&
KHANZAD GUL
ADVOCATES