

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	10.02.2016	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p align="center">Appeal No. 1011/2013</p> <p align="center">Naseer-ud-Din Versus The Addl. Chief Secretary (FATA) FATA Sectt. Peshawar and others.</p> <p align="center"><u>JUDGMENT</u></p> <p align="center"><u>PIR BAKHSH SHAH, MEMBER.-</u> Counsel for the appellant (Mr. Muhammad Asif Yousafzai, Advocate) and Government Pleader (Mr. Muhammad Jan) for the respondents present.</p> <p>2. Recovery of a sum of Rs. 5,65,514/- was directed to be made from the appellant who is Political Moharrir/Junior Clerk in the office of P.A North Waziristan Agency and as no action was taken on the departmental appeal of the appellant, hence this appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.</p> <p>3. Relevant facts, in brief, as revealed from the memo: of appeal are that on the retirement of father of the appellant as Tube- well Operator, he was appointed in his place at Tube-well No.9 vide order dated 20.10.1987 by XEN, FATA Development Corporation, Miranshah. Lateron vide order dated 05.03.1996 he was appointed as Junior Clerk in the C&W Department. Allegations against the appellant raised was that he had received.</p>

double salary for both the said posts. Consequently his salary was stopped and the recovery was initiated from him. During the course of arguments, it was brought into notice of the Tribunal by the learned counsel for the appellant that recovery has been completed from the appellant and that this Tribunal may direct the respondent department for its refund to the appellant.

4. Arguments heard and record perused.

5. In the light of arguments and after perusal of the record, it was found that no show cause notice was issued to the appellant and secondly that no opportunity of hearing or defence has been given to him. This may be observed that during the course of arguments, learned counsel for the appellant stressed that the appellant denied receipt of the double salary. In view of the stated position, the Tribunal is of the considered opinion to remit the case to the respondent department with the direction to conduct a full fledged enquiry in the case in which full opportunity of hearing and defence be given to the appellant, where-after the issue may be resolved on merits. The appeal is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

10.02.2016.



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

10.12.2014

Appellant in person and Mr. Muhammad Adeel Butt, AAG with Shoaib Khan, Assistant and Arifullah, Sub Engr. For the respondents-present. The Tribunal is incomplete. To come up for the same on 9.3.2015.


READER

09.3.2015

Appellant in person and Mr. Ziaullah, GP with Shoaib, Assistant for the respondents present. The learned Member-II of the bench is on leave, therefore, case to come up for arguments on 9.9.2015.


MEMBER

09.09.2015

Appellant with counsel and Addl: A.G for respondents present. Due to paucity of time therefore, arguments could not be heard. To come up for arguments on 18-11-15.


Member


Member

18.11.2015

Appellant with counsel and Mr. Shoaib Khan, Assistant alongwith Mr. Muhammad Jan, GP for respondents present. Due to shortage of time therefore, arguments could not be heard. To come up for arguments on 10-2-2016.


MEMBER


MEMBER

24.12.2013.

Appellant in person and Mr. Muhammad Adeel Butt, AAG with Abdur Rashid, Administrative Officer for respondent No. 5 present and reply filed. Copy handed over to appellant. Mr. Gulzar Ali, Head Clerk for respondents No. 1 and 4 present and requested for time. None is available on behalf of respondents No. 2 and 3. Fresh notices be issued to them. To come up for written reply of respondents No. 1 to 4 on 3.2.2014

MEMBER

3.2.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Gulzar, Head Clerk and Abdur Rashid, A.O for the respondents present. Written reply of respondents No. 1 to 4 received. Copy handed over to counsel for the appellant. Written reply of respondent No. 5 already received. To come up for arguments on 14.4.2014. Rejoinder, if any, in the meantime.

MEMBER

MEMBER

14.4.2014.

Appellant with counsel and Mr. Muhammad Jan, GP with Mahboob Ali, Assistant for the respondents present. Rejoinder received. Copy handed over to the learned GP. To come up for arguments on 10.7.2014.

MEMBER

10.7.2014.

Counsel for the appellant and Mr. Muhammad Jan, GP with Muhammad Azhar, Supdt. and Gulzar Ali, Head Clerk for the respondents present. Counsel for the appellant needs time. To come up for arguments on 10.12.2014.

MEMBER

MEMBER

Appeal No. 1011/2013.
Mr. Narseer-ul-Din.

20.09.2013

Counsel for the appellant present and heard on preliminary.

Contended that the appellant has not been treated in accordance with the law/rules. The recovery order of rupees 5,65,514/- was passed without following codal formalities like charge sheet, show cause notice etc. Thus the appellant has been condemned unheard. He filed departmental appeal on 22.01.2013 which has not been responded within the statutory period of 90 days, hence the present appeal on 20.05.2013. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections/limitation. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 09.10.2013 for submission of written reply. Counsel for the appellant submitted an application for suspension of recovery of rupees 5,65,514. Notice of application should also be issued to the respondents for reply/arguments on the date fixed.

Appellant deposited
of process fee & security
Rs. 200/- Bank Receipt
attached with file

Member.

4.

20.09.2013

This case be put before the Final Bench II for further proceedings.

Chairman

9.10.2013.

Appellant with counsel, and Mr. Muhammad Jan, GP with Javed Iqbal, XEN and Abdur Rashid Tareen for the respondents present. Representatives of the respondents stated that notices have been received late and requested for adjournment. To come up for reply on 24.12.2013.

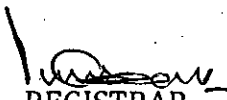

MEMBER

MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1011/2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25/06/2013	<p style="text-align: center;">The appeal of Mr. Naseer-ud-Din resubmitted today by Mr. Muhammad Asif Yousafzai Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	16-7-2013	<p style="text-align: center;">This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>20-9-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Naseer-ud-Din Political Muharrir office of the PA, NWA received today i.e. on 20.05.2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Annexures -A, B,C & F of the appeal are illegible which may be replaced by legible one.

No. 804 /S.T,

Dt. 21/05 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Asif Yousafzai Adv. Pesh.

Re-submitted after compliance
Asif

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

Appeal No. 1011 /2012

Mr. Naseer-ud-Din.

VS

ACS FATA etc.

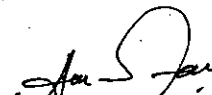
INDEX

S.NO	DOCUMENTS	ANNEXURE	PAGE
1-	Memo of appeal.	---	1 - 4
2-	Stay application + Affidavit.	---	5 - 6
3-	Order dt. 10.10.1987.	A	7
4-	Order dt.20.10.1987.	B	8
5-	Order dt.15.3.1995.	C	9
6-	Resignation dt. 4.7.1995	D	10
7-	Application for brother's appointment	E	11
8-	Order dt. 11.4.1995.	F	12
9-	Order dt. 2.5.1995	G	13
10-	Order dt. 24.8.95.	H	14
11-	Application for reconsideration.	I	15 - 16
12-	Letter dt. 30.7.12	J	17
13-	Letter dt. 11.10.12	K	18
14-	Letter dt. 6.8.12	L	19
15-	Order dt. 13.1.2012.	L-1	20 - 21
16-	Appeal to ACS	M	22 - 23
17-	Letter to APO NWA	N	24
18-	Letter to P.A NWA	O	25
19-	Wakalat nama	---	26

APPELLANT

NASIRUDDIN

THROUGH:


M.ASIF YOUSAFZAI
ADVOCATE.

&
TAIMUR ALI
ADVOCATE

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

Appeal No. 1011 /2012

W. J. Khan
951
20/5/13

Mr. Naseer-ud-Din, Political Muharrir/Junior Clerk,
Office of the Political Agency, North Waziristan Agency.

APPELLANT

VERSUS

1. ✓ The Additional Chief Secretary (FATA), FATA Secretariat, Warsak Road, Peshawar.
2. The Political Agent, North Waziristan Agency.
3. The Assistant Political Officer, Miran-shah, NWA.
4. ✓ The Director Irrigation and Idol Power, FATA Secretariat, Peshawar.
5. The Chief Engineer, C&W (North), Peshawar.

RESPONDENTS

.....

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE STOPPAGE OF SALARIES AND RECOVERY OF RS.5,65,514/- AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

.....

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO PAY MONTHLY SALARIES TO THE APPELLANT FROM JANUARY, 2012 TILL-DATE & ONWARD AND THE RECOVERY OF RS.5,65,514/- MAY ALSO BE SET ASIDE BEING ILLEGAL AND VIOLATION OF NORMS OF JUSTICE WITH FURTHER DIRECTIONS TO THE RESPONDENTS TO REFUND THE DEDUCTED AMOUNT. ANY OTHER REMEDY, WHICH THIS AUGUST

Filed to-day

[Signature]

20/5/13

re-submitted to
and filed,

[Signature]
25/6/13

TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

1. That father of the appellant Mr. Noor Din who was Tube-well operator on Tube-well No.9 Dandy, NWA requested on his retirement that his son (Appellant) may be appointed in his place as Tube-well Operator in BPS-4. The appellant was thus appointed as Tube-well Operator vide order dated 20.10.1987. Copies of Orders are attached as Annexure-A and B.
2. That on 15.3.1995, the appellant was appointed as Junior Clerk in C&W Department and on his appointment the appellant filed resignation from the post of Tube-well Operator and also filed an application for appointment of his brother (Salah ud Din) in his place as Tube well Operator. The said application of the appellant was also forwarded to the then Defunct FATA DC and on the basis of that forwarding letter the requisite information were requisitioned from the concerned XEN of Irrigation Department which was provided on 24.5.1995. It is pertinent to mention here that the then P.A. in his letter dated 11.4.1995 has clearly mentioned that the appellant (Nasir ud Din) left the services. Copy of Order, Application and Forwarding letter, letter to XEN and Reply are attached as Annexure-C, D, E, F, G and H.
3. That on the basis of one sided enquiry, the pay of the appellant was stopped and recovery of Rs.5,65,514/- was also ordered. When the appellant came to know about the one sided action, he forthwith filed an application to the P.A. with copy to the ACS FATA. The appellant requested for reconsideration on unilateral enquiry and provision of opportunities of personal hearing/defence. The said application was marked to Irrigation Directorate FATA and the Irrigation Department FATA submitted its report on 6.8.2012 in which the allegations leveled against the appellant regarding holding 2 post and drawing double salaries was declared fault on the part of the then defunct FATA DC. However, no further action was taken on that application of the appellant. Copies of Application, Forwarding letter, letter to Director Irrigation, reply to Director of Irrigation are attached as Annexure-I, J, K, L, L-1.
4. That having no fruitful response from the concerned authority, the appellant finally filed his appeal for redressal of his

grievances on 22.01.2013 before the ACS (FATA) which was duly forwarded to the PA NWA and APO Miran shah but no response has been received to the appellant so far. Hence, the present appeal on the following grounds amongst the others: Copies of letters are attached as M, N and O.

GROUND:

- A- That the stoppage of monthly pay, recovery of Rs. 5,65,514/- and not taking action on the appeal of appellant within statutory period is against the law, rules and norms of justice.
- B- That the appellant has been condemned unheard and no chance of either personal hearing or defence was provided to the appellant, which is the violation of the principles of Natural justice.
- C- That even the appellant was never allowed and informed about the so called one sided inquiry and on getting knowledge of the same the appellant forth with filed application for reconsiderations of unilateral inquiry but in vain.
- D- That the appellant never remained on two posts and also has never received doubly salaries. This aspect is also admitted by the irrigation Deptt: FATA in their reply to the ACS and also the documentary record available in the office of PA NWA and other quarter.
- E- That stoppage of full salary is totally illegal because the not only the appellant but also the dependants of appellant are suffering a lot.
- F- That the penalty has been imposed upon the appellant in violation of law and rules which is not tenable in the eyes of law.
- G- That the 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.

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

Appeal No. _____/2012

Mr. Naseer-ud-Din.

VS

ACS FATA etc.

**APPLICATION FOR SUSPENDING THE
IMPUGNED RECOVERY OF RS. 5,65,514/-
TILL THE DISPOSAL OF MAIN APPEAL.**

R.SHEWETH.

- 1- That the appellant has filed an appeal along with this application in which no date is fixed so far.
- 2- That the impugned recovery order has been passed at the back of appellant and that too full pay of the appellant has been stopped due to which the appellant and his children are suffering a lot.
- 3- That the appellant has good prima facie case and is hopeful for its success.
- 4- That the grounds of main appeal may also be considered as integral part of this application.

It is therefore most humbly prayed the recovery of Rs. 5,65,514/- may be suspended till the disposal of main appeal. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.

APPELLANT
Nasir
NASIRUDDIN

THROUGH:

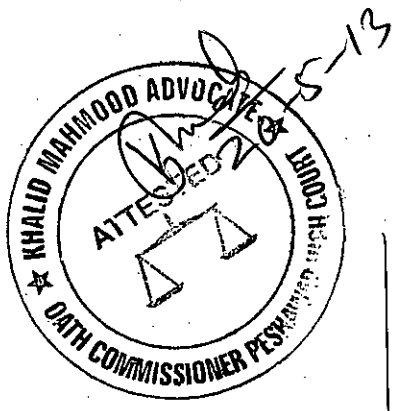
M. Asif
M. ASIF YOUSAFZAI
ADVOCATE.

&
TAIMUR ALI
ADVOCATE

AFFIDAVIT.

It is affirmed that the contents of this application are true and correct and nothing has been concealed.

Nasir
DEPONENT.



A
7

No. 11060 /Dev: 2/25 Dated Miranshah the 10 / 10 / 1987
From The Political Agent,
North Waziristan, Miranshah.
To The Executive Engineer,
FATA Dev: Corporation, Miranshah.
Subject: - CHANGE OF SERVICE.

MEMORANDUM.

Mr. Mohammad Nour Bin Daur Darpa, the
Operator on Tubwell No. 9 Danday Plain, has approached this
office with the request that the post of operator held by him
may be transferred to his son Mr. Nasar-ud-Din who is a
Matriculate & qualified (photo copy of certificate is enclosed)
The request of the individual is recommended
The change may kindly be ordered accordingly under intimation
to this office.

Political Agent North Waziristan,
دلالة
میران شاہ
FATA
MIRANSHAH

ATTESTED
A

BEETER COPY

Annexure-A (Pge-7)

No.11000/Dev;

Dated Miranshah the 10 – 10 – 1987

From: The Police Agent, N.W. Agency, Miranshah.

To
The Executive Engineer, FATA Dev; Corporation, Miranshah

Subject: CHANGE OF SERVICE

Memo:

Mr. Muhammad Noor Din Daur Darpa Khel, Operator on /Tube well No.9 Danday Plain, has approached this office with the request that the post of Operator filled by him may be transferred to his son Mr. Nasir ud Din who passing matriculate and qualified (photo of certificate is attached).

The request of the individual recommended. The change may kindly be ordered accordingly under initiation to this office.

Political Agent, North Waziristan.

ANNEX *R*

(*X*)

B (*8*)

Attested

[Signature]

REFERENCE.

As recommended by the Political Agent, N.W. Agency vide his letter No. 11060/Development/2/5, dated, 10-10-1987 the copy of Mr. Mohammad Nur Bin Amir Marja Khel proprietor on T/Cell No. 9 Danday Plain is hereby transferred to his son Mr. Naqir-ud-Din w.o.f. 11/10/1987 @ Pt. 875/P.M. in B.P.S. No. 4 (675-22-1115).

sd/
Executive Engineer
North Waziristan Project Division
PATA Development Corp. Miranshah.

No. 4629-31/SE
o.o.

Dated 20/10/87

- 1. The Political Agent, N.W. Agency vide his No. cited above for information.
- 2. The F.O. (Local) for information.
- 3. The H.O. (Local) for information.

[Signature] 20/10/87
Executive Engineer
North Waziristan Project Division
PATA Development Corp. Miranshah.

ATTESTED

[Signature]

BEETER COPY

Annexure-B (Pge-8)

OFFICE ORDER

As recommended by the Political Agent, NW Agency vide his letter No.11060/Dev;/2/5; dated 10.10.1987, the T/Well No.9 Danday Plain is hereby transferred to his son Mr. Nasiru-ud-Din w.e.f. 11/10/1987 @ Rs.875/- P.M in BPS No.4 (675-22-1115).

Sd/- Executive Engineer,
North Waziristan Project Division,
FATA Dev; Corporation, Miranshah

No.4429-31/SE;

Dated 20..20.1987.

Copy to :

1. The P.A. NWA w/r to his No and date above for information.
2. The R.O. (Local) for information.
3. The K.C (Local) for information.

Sd/- Executive Engineer,
North Waziristan Project Division,
FATA Dev; Corporation, Miranshah

9 ANNEXURE

9

OFFICE OF THE CHIEF ENGINEER
C&W DEPARTMENT BANNU PESHAWAR

Dy. Secy. / S38 / E-1 (S)

Dated Peshawar the 15/3/1995

To

Mr. Nasooruddin a/o Malik Haji Mohammad
Noordin Villi Darpa Khol Miranchah.

Subject: APPOINTMENT AS JUNIOR CLERK IN C&W DEPARTMENT.

Re: Your application dated - 1994.

You are hereby offered a post of Junior Clerk @ Rs. 1400/-
P.M. in the basic pay scale No. 5 viz: Rs. 1400-66-2700 plus usual
allowances as admissible under the rules.

If you accept the post on the following conditions, you
should report for duty to the Dy. C&W Division Miranchah.

upto 30.3.1995. failing which the offer shall stand cancelled.

- 1) Your appointment is purely temporary and your services can be terminated at two weeks notice at any time without any reason being assigned, irrespective of the fact that you may be holding a post other than the one to which you were originally appointed or on payment of two weeks pay in lieu of the notice.
- 2) In case you wish to resign at any time, two weeks notice shall be necessary otherwise two weeks pay shall be forfeited.
- 3) You shall be governed by such rules and orders relating to service conditions, leave, TA, Medical attendance, Pay, Pension etc., as may be issued by Government from time to time for category of Government servants to which you will belong. You will join duty at your own expenses.
- 4) You will have to produce a medical certificate of fitness alongwith original Matriculation and Domestic Certificates on reporting for duty.
- 5) You will have to serve any where in the NWFP and in any Department of the Government of NWFP, when you are called upon to do so in the interest of public service.

2701 / Li-E
25/3/95

HC
Ple do this needful.

Sl.
Senior Most Staff Officer

Copy to:-

1. The Chief Engineer (Development), C&W, Department, P&F, Peshawar.
2. The Superintending Engineer, C&W Circle Bannu.
3. The Executive Engineer, C&W Circle Bannu.

The arrival of the official may please be intimated to all concerned.

PF of the official.

Senior Most Staff Officer

ATTESTED

BEETER COPY

Annexure-C (Pge-9)

**OFFICE OF THE CHIEF ENGINEER,
C&W DEPARTMENT, NWFP, PESHAWAR.**

No. 240-E/538/E-II(s)
Dated Peshawar, the 5/03/1996.

To

Mr. Naseerud din
S/O Malik Haji Mohammad,
Noordin Village Darpa Khel, Miranshah.

Subject: **APPOINTMENT AS JUNIOR CLERK IN C&W DEPARTMENT**

Memo:

Your application dated _____ 1994.

You are hereby offered a post of Junior Clerk @Rs.1400/- PM in the basic pay scale No.5 viz Rs.1400-66-2300 plus usual allowance as admissible under the rules.

If you accept the post on the following conditions, you should report for duty in the Dev; C&W Division Miranshah upto 30.3.1995 failing which the offer shall stand cancelled.

1. Your appointment is purely temporary and your service can be terminated at two weeks notice at any time without any reasons being assigned irrespective of the fact that you may be joining a post other than the one to which you were originally appointed or on payment of two weeks pay in lieu of the notice.
2. In case you wish to resign at any time, two weeks notice shall be necessary otherwise two weeks pay shall be forfeited.
3. You shall be governed by such rules and order relating to service conditions, leave, TA medical attendance pay, pension etc as may be issued by Govt. from time to time for category of the Government servants to which you will belong.
4. You will joint duty at your own expense.

5. You will have to produce a medical certificate of fitness along with original Matriculation and Domicile certificates on reporting for duty.
6. You will have to serve any where in the NWFP and in any Department of the Government of NWFP, when you are called upon to do so in the interest of public service.

Senior Most Staff Officer.

Copy to:

1. The Chief Engineer (Dev;), C&W Department, NWFP, Peshawar.
2. The Superintending Engineer, C&W Circle Banu.
3. the Executive Engineer Dev; Division, Miranshah.

The arrival of the official may please be intimated to all concerned.

Senior Most Staff Officer.

محترم صاحب ایجنسی صاحب فنانا ڈیویلمینٹ کارپوریشن میران شاہ ٹاور ٹوریز صاحب

(15)

مناشی -

گزارش نمبر ازرائیہ - دہندہ عبد ارباب کی ڈانڈے درجہ اول
شعبہ اول نمبر 9 پر محنت اہل نمبر ڈیوٹی سہرہ نام درج ہے۔

چونکہ مذکورہ نمبر ڈیوٹی سے محنت سہرہ صاحب
اور ڈیوٹی درجہ مانع ہے۔

لہذا مذکورہ نمبر ڈیوٹی پر محنت اہل نمبر ڈیوٹی
سے استغفہ پیش کرتے ہیں۔

لہذا درجہ صاحبان صریحاً اس نمبر کا استغفہ منظور کیا جائے

میں گزارش عمومی

تاریخ 4.7.1995

اسرار علی

ایکٹائیٹر

نام ایجنسی اہل نمبر ڈیوٹی 9 عبد ارباب کی ڈانڈے درجہ اول

H.C
Process
4/7

ATTESTED

A

No. 331-4-25/10/25/2 Dated Miranah: the/11/14/1995.

F.
12

From, The Political Agent,
North Waziristan Agency,
Miranah.

To, The Chairman P.T.A Development
Corporation, Peshawar.

Subject: APPOINTMENT OF OPERATOR IN TUBE WELL NO. 9
DARPA KHOL TEHSEIL.

MEMORANDUM

For: salahud Din s/o Muhammad Noor Din Daur
Darpa Khol Tehsil Miranah is recommended for appointment
as operator on tube well No 9 Dunday Darpa Khol in place of
his brother namely Masirud Din who left the service.

D. Ahmad Noor
Political Agent,
North Waziristan Agency,
Miranah.

Copy to:

The P.T.A DC Miranah for information.

SL
Political Agent,
North Waziristan Agency,
Miranah.

A

BEETER COPY

Annexure-F (page-12)

No.3324-25/8/35/2;

Dated Miranshah, the 11.04.1995.

From: The Police Agent,
N.W. Agency, Miranshah.

To
The Chairman,
FATA Dev; Corporation, Peshawar.

Subject: **APPOINTMENT OF OPERATOR ON TUBE-WELL**
NO.9 DAUR DARPA KHEL

Mr. Salaud Din S/O Muhammad Noor Din, Daur Darpa Khel, Tehsil Miranshah is recommended for appointment as operator on tube well No.9 Danday Darpa Khel in place of his brother namely Nasirud who left the service.

Political Agent,
North Waziristan Agency,
Miranshah

9 (13)

NO: 472 / 30-W(G.W)

Dated: 22/05/1995

TO:-

The Executive Engineer,
North Washington Project Division,
PATA Development Corp: Haryana State.

Subject:-

APPOINTMENT OF OPERATOR ON CONTRACT NO. (9)
DANDESHAIWA KUPA.

Reference:-

Political Agent(North) letter No. 3124-24/G/35/2
dated 11/04/1995 addressed to the Chairman,
PATA D.C with copy to you.

Please intimate availability of Operator and
Chowkidar on the subject cited in the Mail or otherwise.

S/-
Deputy Director (Ground Water),
PATA D.C Bawal.

NO: 2490 / 5-B

Dated: 22/5/1995

Copy to:-

The Dydt: (Ec-1) for necessary action.

EXECUTIVE ENGINEER,
NORTH WASHINGTON PROJECT DIVISION,
PATA DEVELOPMENT CORP: HRYANA STATE.

(M. KUSHTAQ)

ATTESTED

H (14)

No. 2497

Dated Miran Shah, the 24/05/1995

To,

262 1995

The Deputy Director (G.W),
PATA Development Corporation,
Peshawar.

Subject:-

APPOINTMENT OF OPERATOR ON
TUBEWELL NO.09 DANDAY DARPA-KHEL.

Reference:-

Your letter No.478/30-W(GW) dated
02-05-1995.

0-----0-----0-----0-----0

The Operator of the well No.09 Danday Darpa Khel Mr.Nasur-Ul-Din, S/O Malik Haji Mohammad Noor Din Darpa Khel has requested vide his application addressed to P.A-North & copy to Executive Engineer-North(Photo-Copy attached that he is strenuously ill and is unable to perform duties on the tubewell & that his brother Mr.Salahudin may be appointed in his place.

Political Agent, North Waziristan Agency has also recommended his brother namely Mr.Salahudin to be appointed in his place, vide his letter No.3324-25/G/35/2 dated Miran Shah 11-04-1995.

Submitted for information & necessary action please.

Sdf
EXECUTIVE ENGINEER
NORTH WAZIRISTAN PROJECT DIVISION
PATA DEVELOPMENT CORPORATION
MIRAN SHAH.

Copy to Hydrogeologist (Local) for

information.

EXECUTIVE ENGINEER
NORTH WAZIRISTAN PROJECT DIVISION
PATA DEVELOPMENT CORPORATION
MIRAN SHAH.

ATTESTED

1 (15)
DSS/Dir: Logistics
FL & Examined
14/06/11

To

The Political Agent
North Waziristan Agency, Miran Shah

Subject:

RE-CONSIDERATION OF A UNILATTEAL
INQUIRY CONDUCTED BY THE BAN INQUIRY
OFFICER/ASSISTANT POLITICAL OFFICER AND
OPPORTUNITY OF PERSONAL HEARING.

Respected Sir,

The Petitioner Submits As Under

A.C.S. (P. & S.)
S/ATSL

1. That I belong to the village of Darpa Khel North Waziristan Agency Miran Shah.
2. That my Father was operator at Tube Well No.09 Danday Darpa Khel North Waziristan Agency Miran-Shah who left his service and I was appointed at the said post vide office order No.4429-34/5-E dated 20/10/1987. Copy of the said office order No.as Annexed herewith as Annex "A".
3. That in the year, 1995 I applied for the post of junior clerk in C&W Division, Miran Shah and was appointed as junior clerk vide Chief Engineer, C&W Department NWFP (KPK), Peshawar order letter No.538/F-1-3 dated 15/03/1995. Copy of the said office order No.as Annexed herewith as Annex "B".
4. That after the appointment, I as junior clerk in C&W department, Miran Shah, submitted an application to the head of department, wherein I requested for appointment of my brother Salah-Ud-Din as Tube well operator at the above said tube well. Copy of the said Application is annexed as Annexure "C".
5. That the Political Agent North Waziristan Agency, Miran Shah vide his letter no.3324-25/8-35-2 dated 11/04/1995, addressed to the chairman, FATA Development Corporation, Peshawar had recommended the brother of petitioner Namely Salah-Ud-Din for his appointment as Tube Well Operator. Copy of the said office order No.as Annexed herewith as Annex "D"
6. That thereafter, your good self started the Secrete Enquiry without giving any notice to me.
7. That after the end of the above said secrete enquiry, the Assistant Political office, North Waziristan Agency Miran Shah vide his letter / office order

N.S.F.No. 5456
Date 12-6-12

Secretary (AS C/FATA)
D.No. 5319
Date 13-6-12

Handwritten signature

Handwritten note: "Hand sent to O.S.S copy in Dir: Logistics"

ATTESTED
Handwritten signature

(16)

121

No.5669/72/APO/L/G/NAB dated 28/12/2011 ,and letter No.93-98/APO/NAB dated 13/01/2012. has directed to me to pay Rs.5,65,514/ allegedly received the salaries illegally from Irrigation and Hydal Power Division North Waziristan Agency ,Miran Shah.as a tube well operator , within 10 days. Copy of the Said Letters is also Annexure "E".

It is therefore requested that my case be reconsidered in wake of the facts provided with the requested and available interested offices and opportunity for the defence be provided the set aside the impugned order. The un lawful deducted salaries be refunded.

Your, Obdiently

Nasir 11.6.2012

Nasir-Ud-din S/o Malik Muhammad Noor
Din R/O Ghulam Khan Road North
Waziristan Agency Miran Shah.

Copy to:

The Additional chief Secretary FATA Secretariat KPK Peshawar for information please.

J (17)

IRRIGATION DIRECTORATE FATA SECRETARIAT PESHAWR

No.FS/FATA/Irr; & P/W-2/2328-27

Dated 03/07/2012

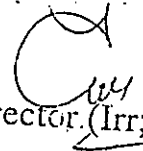
To

J

✓
The Deputy Director (GW)
FATA Secretariat,
Peshawar.

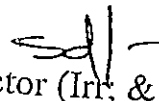
Sub: - **RE-CONSIDERATION OF A UNILATTEAL INQUIRY
CONDUCTED BY THE BAN INQUIRY OFFICER/ASSTT;
POLITICAL OFFICER AND OPPORTUNITY OF PERSONAL
HEARING.**

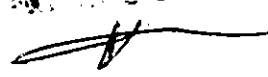
Enclosed herewith please find an application tendered by Mr.
Nasir-ud-Din S/O Malik Muhammad Noor, of North Waziristan Agency, which
is self explicatory for further course of action.

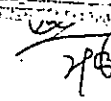

Director (Irr; & Power)

Copy to :-

Mr. Nasir-ud-Din S/O Malik Muhammad Noor, R/O Ghulam Khan
Road North Waziristan Agency, Miranshah, for information please.


Director (Irr; & Power)





K (18)

No. 229-30 / Surplus

Dated. 17/10/2012.

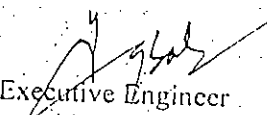
To,

✓
Deputy Director (G.W.)
FATA Secretariat
Peshawar.

Subject:- RE-CONSIDERATION OF A UNILATTERAL INQUIRY
CONDUCTED BY THE BAN INQUIRY OFFICER/ASSISTANT
POLITICAL OFFICER AND OPPORTUNITY OF PERSONAL
HEARING.

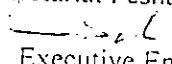
Reference:- Director Irrigation and Power FATA Secretariat letter No. FS/Irr. &P/6- E/2991
dated 25/9/2012.

The application of Mr. Nasirud -Din S/o Malik Haji Muhammad Noor Din Operator
T/Well No.9 Dandy Darpa Khel addressed to Political Agent N.W. Agency and copy to this
office has already been sent to Ex. Deputy Director (Ground Water) Defunct FATA D.C
Peshawar for appointment of his brother namely Mr. Salahudin in his place vide this office letter
no. 2497/5-E dated 24/05/1995 (Copy attached). Submitted for information Please.


Executive Engineer
Irrigation and Hydel Power Division
North Waziristan Agency Miranshah

Copy to :-

The Director Irrigation and Power FATA Secretariat Peshawar for Information.


Executive Engineer
Irrigation and Hydel Power Division
North Waziristan Agency Miranshah

AMT/10/2012
A

FATA SECRETARIAT PESHAWAR

L
19/12

DIRECTORATE OF IRRIGATION & HYDEL-POWER
(Ground Water Wing)

No. 268 /FS/Irr: & HP/GW/ Gen /
Dated 6 /8/2012

To

Director
Irrigation & Hydel Power
FATA Secretariat, Peshawar.

Subject:-

RECONSIDERATION OF A UNILATERAL INQUIRY CONDUCTED BY THE BAN
INQUIRY OFFICER/ASSTT: POLITICAL OFFICER AND OPPORTUNITY OF
PERSONAL HEARING

Reference:- Your letter No. FS/FATA/Irr: & P/6-E/2328-29, Dated 03/7/2012. CP/131

With reference to the above, it is stated that:-

Initially Mr. Muhammad Noor Din (the father of Mr. Nasir ud Din) was appointed on the subject post but later on, on the request of Mr. Noor Din, his son Mr. Nasir ud Din was appointed on the post under consideration in his place, on the proper recommendations of the Political Agent.

Consequent upon his appointment in C&W Department, Mr. Nasir ud Din informed the Political Administration accordingly with the request for appointment of his brother, Mr. Salah ud Din, in his place. But instead of recommending the name of Mr. Salah ud Din to XEN (as per criteria), the Political Administration forwarded the case to the then Chairman, FATA DC, where from no response was received for unknown reasons.

Since, evidently, Mr. Nasir ud Din had informed all concerned properly at the time of leaving the post, therefore, the discrepancy rightly falls on the shoulders of the then Administration (of defunct FATA DC) and subsequently recovery of the salaries seems absolutely unjustified, as apart from above, he has also performed his duty on the tube well during the period under consideration owing to the fact that he had got no cognizance of the rules/regulations.

870
6/8/2012
alase moul

Deputy Director (Ground Water)

13/8

ATTESTED

5669-72 APO/L/G/NAB: dated Miranshah the, 28/12/2011.

20

- To :-
1. Mr. Nasir-ud-Din Junior Clerk PA's Office Miranshah.
 2. Mr. Fida Muhammad J/ Clerk PA's Office Miranshah.
 3. Mr. Ziaullah Junior Clerk PA's Office Miranshah.

Subject: LEGAL GUIDANCE/NOTICE
MEMORANDUM.

As per advice/decision made by National Accountability Bureau (NAB), you are hereby directed to deposit the salaries illegally drawn by you from Irrigation and Hydel Power Division North Waziristan Agency as a Tube Well Operators within ten (10) days, details given below:-

- | | |
|---------------------------|----------------|
| 1. Mr. Nasir-ud-Din..... | Rs.5,65,514/- |
| 2. Mr. Fida Muhammad..... | Rs.13,42,485/- |
| 3. Mr. Ziaullah..... | Rs.5,85,478/- |

[Signature]
 Assistant Political Officer,
 Miranshah.

Copy to:-

The Political Agent, North Waziristan Agency for information with reference to his letter No.4701-04/S/NAB, dated 23/12/2011.

[Signature]
 Assistant Political Officer,
 Miranshah.

میران شاہ

ATTEST

SANIA ULAM

0346

5596865

1971

M

(22)

محضور جناب ایڈیشنل چیف سیکرٹری صاحب فائنا ٹریڈ پشاور

درخواست اپیل، بمراد عدم ادائیگی تنخواہ جنوری 2012ء سے تا حال

جناب عالی

مودبانہ گزارش کی جاتی ہے کہ میں مسمی نصیر الدین ولد محمد نور دین، سکن ڈاوڈ روڈ، پشاور، وزیرستان ایجنسی میرانشاہ سے تعلق رکھتا ہوں اور محکمہ سول انتظامیہ میں بمقام 21/05/2002 سے بطور جونیئر کلرک (پولیسنگل محرر) اپنی ڈیوٹی نہایت ایمانداری سے سرانجام دے رہا ہوں۔ جنوری 2012 سے میری تنخواہیں بند کر دی گئی ہیں۔ معلوم کرنے پر پتہ چلا کہ کسی محکمہ میں NAB کو شکایت کی ہے کہ میں مسمی نصیر الدین سال 1987 سے ڈبل سروس کر رہا ہوں۔ حالانکہ حقیقت یہ ہے کہ میں نے سال 1987 سے لیکر 1995 تک بطور ٹیوب ویل آپریٹر فائوڈی سی میں کام کر چکا ہوں۔ اس کے بعد جب 15/03/1995 کو محکمہ C&W میں، میں نے بطور جونیئر کلرک کی پوسٹ حاصل کی تو میں نے 1995/01/01 کو نوکری سے برخاستگی کی درخواست دی تو وہاں کے پولیسنگل ایجنٹ (جو کہ سارے محکمہ جات کے سربراہ ہوتے ہیں) کو دی جاتی تھی۔ اسی وقت کے پولیسنگل ایجنٹ صاحب نے اسی ہی پوسٹ پر میرے دوسرے بھائی مسمی صلاح الدین ولد محمد نور کی چیئر مین فائنا کو عیناتی کی سفارش کر دی۔ جو کہ ریکارڈ پر موجود ہے۔ اور پھر مجھے محکمہ C&W سے مئی 2002 میں محکمہ سول انتظامیہ میں ایڈجسٹ کر دیا گیا ہے۔ اور تا حال ہی اسی ہی محکمے میں بطور جونیئر کلرک (پولیسنگل محرر) کام کر رہا

ہوں۔ (درخواست ہذا کے ساتھ تمام کاغذات لف کیے)

AS (L&O)	
DS (L&O)	
DS (N)	
SO (R&A)	
PS	
I.No. & Date	58/20

Get report from PA NWPA.

D. S. CL, For info, Please

739
22-1-2012

ATTESTED

28/01

28/01

N (24)

No. 190-91/VO/NWA, Dated Miranshah the 06/3/2013.

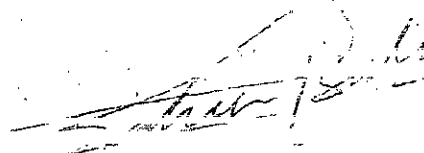
From:- The Political Agent
North Waziristan Agency
Miranshah.

TO:- The Assistant Political Officer, Miranshah.

Subject:- APPLICATION/APPEAL FOR NON PAYMENT OF SALARIES
JANUARY, 2012 TILL DATE.

Memo.

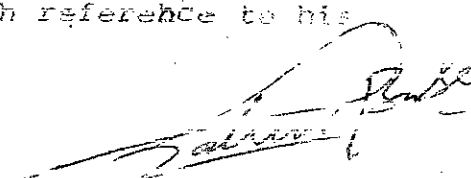
A copy of letter NC.FE/L&O/21-NWA/447-48, dated 29/1/2013 alongwith enclosures received from the Section Officer Law & order FATA Secretariat Peshawar, is enclosed for appropriate action and report at earliest for onward transmission to the quarter concerned.

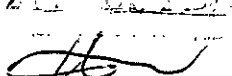

For Political Agent
North Waziristan Agency
Miranshah.

Even NO. & date.

Copy to:-

The Section Officer, Law & order Department, FATA Secretariat Peshawar for information with reference to his above cited letter.


For Political Agent
North Waziristan Agency
Miranshah.

APPROVED




FATA SECRETARIAT
LAW & ORDER DEPARTMENT
PESHAWAR

130 196

0 (25)

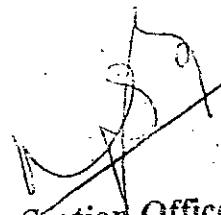
²⁷
No. FS/L&O/21-NWA/ 447-48
Dated: 29.01.2013.

✓ Political Agent,
North Waziristan Agency
Info: Mr. Naseer-ud-Din, Junior Clerk in the office of Political Agent, North
Waziristan Agency
PS to ACS FATA.

Subject: APPLICATION/APEAL FOR NON PAYMENT OF SALARY-
JANUARY, 2012 TILL DATE

I am directed to enclose a copy of an application submitted by Mr. Naseer-ud-Din, Junior Clerk in the office of Political Agent, North Waziristan Agency with enclosures on the subject for appropriate action and report, please.

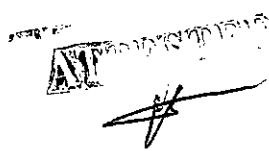
Encl; as above


Section Officer
(Law & Order)

Ready

[Handwritten signature]
24/2

[Handwritten initials]
27/2



26

VAKALAT NAMA

NO. _____/20

IN THE COURT OF Service Tribunal Peshawar

Nasiruddin (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

ACS PAPA etc (Respondent)
(Defendant)

I/We Nasiruddin (Appellant)

Do hereby appoint and constitute **M.Asif Yousafzai, 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

Ali
(CLIENT)

ACCEPTED

M. ASIF YOUSAFZAI
Advocate
&

Taimur Ali Adv.

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

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

Service Appeal No. 1011/2013

Naseer ud din

VS

ACS FATA

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(a-d) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Admitted, hence no comments.
- 2 Partially admitted, moreover the appellant has left the post and joined C&W department and it is the right of the appellant,s brother to adjust on retire quota seat as his father has retired and the appellant has resign from the post.
- 3 ?.
- 4 Not replied according to para 4 of the appeal.

GROUND:

A) Incorrect. The appellant is employee of C&W only and never drawn salaries of the irrigation department which is also admitted by the

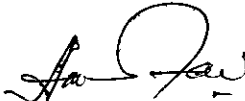
and also the documentary record available in the office of PA NWA. Hence stoppage of pay and recovery of 5,65,514/- is against the law, rules and norms of justice.

- B) Not replied according to para B of the appeal, hence para B of the appeal is correct.
- C) Admitted, hence no comments.
- D) Incorrect, while para D of the appeal is correct.
- E) Incorrect the appellant has never received double salaries which are admitted by irrigation Dept: FATA in their reply to ACS and also documentary record available in the office of PA NWA. Hence the stoppage of full salary is totally violation of law.
- F) Incorrect, while para F of the appeal is correct.
- G) No comments.

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

APPELLANT
Naseer Ud din

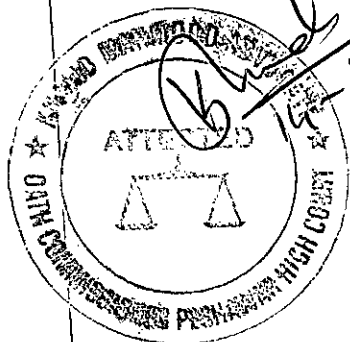
Through:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

DEPONENT 



BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1011 of 2013

Naseer-ud-Din
Muharrir/Junior Clerk
Political Agent North Waziristan Agency.

---- (Appellant).

VERSUS

1. Additional Chief Secretary (FATA), FATA Secretariat Peshawar.
2. Political Agent North Waziristan Agency.
3. Assistant Political Agent Miranshah North Waziristan Agency.
4. Director Irrigation & Hydle Power, FATA Secretariat Peshawar.
5. Chief Engineer (Centre) C&W Department Peshawar.

---- (Respondents).

COMMENTS ON BEHALF OF RESPONDENT No. 5.

PRELIMINARY OBJECTIONS.

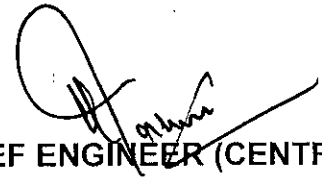
- 1) The Appellant has no cause of action to file the instant appeal.
- 2) The instant appeal is barred by law, hence not tenable in the eyes of law.
- 3) The Appellant is estopped by his own conduct and has no right to file the instant appeal.

FACTS

1. Not relates to C&W Department.
2. Correct to the extent that the appellant was appointed as Junior Clerk in the Communication & Works Department on 15/03/1995, he reported arrival in Executive Engineer C&W Division Miranshah on 16/03/1995. So far his any services with FATA Development Corporation prior to joining the C&W Department it was neither stated by the appellant, nor he applied through his former Employer. Annexures D,E,F,G & H attached with the instant appeal have no linkage with C&W Department. It pertains to FATA, Development Corporation and Political Agent, North Waziristan Agency.
3. Not relates to C&W Department.
4. Not relates to C&W Department.

GROUND

- A- Not relates to C&W Department.
- B- Not relates to C&W Department.
- C- Not relates to C&W Department.
- D- As mentioned in Para-2 above.
- E- Not relates to Communication & Works Department.
- F- No comments as it relates to Political Administration.
- G- No comments so far C&W Department is concerned.



CHIEF ENGINEER (CENTRE)
Communication & Works Department
Khyber Pakhtunkhwa Peshawar
(Respondent No-5)

AFFIDAVIT

This is certified that all the contents of this Parawise Comments are true and correct to the best of my knowledge and belief and nothing has been concealed herein.



DEPONENT
Administrative Officer Center
Communication & Works Department
Khyber Pakhtunkhwa Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1011/2013

MR. NASEER UD DIN.....

PETITIONER

VS

ADDITIONAL CHIEF SECRETARY (FATA) & OTHERS..... RESPONDENTS.

REPLY ON BEHALF OF RESPONDENTS No. 1 - 5 IS AS UNDER:

PRELIMINARY OBJECTIONS:

- (a) Appellant has no '*locus standi*' and / or *cause* to file the Instant Appeal.
- (b) Appellant is not an "*aggrieved*" person within the meaning of Article 199 of the Constitution of Pakistan.
- (c) The Appeal is wholly *incompetent, misconceived* and *untenable*.
- (d) Appellant has not come to the Tribunal with clean hands. The Appeal also suffers from mis-statement and concealment of facts.

FACTS:

1. Correct.
2. Correct. But PA North Waziristan Agency only recommended his brother for appointment but the brother of the appellant was not appointed in his place. It is also pertinent to mention here that the appellant brother has no vested right to be appointed on retire person quota as his brother has already availed the right and he resigned from the job.
3. Incorrect. As per advice/decision by NAB an inquiry was conducted by APA N.W.A and alleged charges that Mr. Naseer ud Din tube well operator has drawn double salary from C&W and Irrigation Department were proved and thus recovery of Rs. 565514/- was recommended from the concerned operator, on the ground that he was appointed as Junior Clerk in C&W Department vide office order No. 849-E/538/FI-3 dated 15-03-1995 where as he was also drawing pay from Irrigation Department upto 11/2003, as per detail report of XEN Irrigation N.W.A attached as (Annex-A). Moreover the petitioner has also paid off GHS vide No. GS/E/100-384/174-90 dated 24-11-2003 which clearly shows double payment. Regarding contention of the appellant that the allegations leveled against the appellant were declared null and void by the Irrigation Department FATA, it is submitted that as per report of Irrigation Department FATA, it was declared that the recovery was unjustified owing to the fact that the appellants had no cognizance of the Law / Rules whereas, it is a settled principle of Law that ignorance of Law is no excuse. The appellant brother was not appointed to the post, therefore, as per Law and Rules he cannot claim remuneration for the same.
4. As per Para-3 above.

GROUND

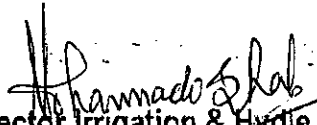
- A. Incorrect. The stoppage of pay and recovery of Rs. 565514/- is as per rules and Law, as the appellant brother was not appointed and the pay was drawn in the name of the appellant who was also an employee of C&W Department, therefore, he is liable to be recovered.
- B. No Comments. As per para "A" above.
- C. No Comments.
- D. Incorrect. The appellant would have been well aware of the fact that he is receiving the subject pay as tube well operator and not his brother.
- E. Incorrect. The stoppage of salary is as per rules and law.
- F. Incorrect. The recovery from the appellant is in accordance with Law & Rules as he has been found guilty of double pay.
- G. No Comments

In light of above, it is, therefore, respectfully prayed that the writ petition may kindly be dismissed with cost throughout.

Respondent No. 5

**Chief Engineer (C&W),
(North) Peshawar.**

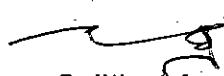
Respondent No. 4


**Director Irrigation & Hydro Power,
FATA Secretariat,
Peshawar**

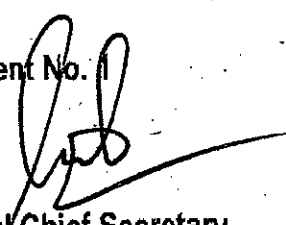
Respondent No. 3


**Assistant Political Officer,
North Waziristan Agency,
Miranshah**

Respondent No. 2


**Political Agent,
North Waziristan Agency,
Miranshah**

Respondent No. 1


**Additional Chief Secretary,
FATA Secretariat,
Peshawar.**

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 287 /ST

Dated 22 / 2 / 2016


To

The Assistant Political Officer,
Miran Shah. North Waziristan Agency

Subject: - Judgement.

I am directed to forward herewith certified copy of Judgement dated 10.2.2016 passed by this Tribunal on subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1011/2014

Naseer-ud-Din..... V/SACS (FATA) & Others

.....

APPLICATION FOR FIXING OF AN EARLY DATE OF HEARING IN THE
ABOVE TITLED INSTEAD OF 09.09.2015

.....

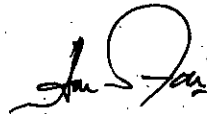
RESPECTFULLY SHEWETH,

1. That the appellant has filed the instant appeal against the stoppage of monthly salaries and recovery of Rs. 5,65,514/- and not taking any action on the departmental appeal of the appellant within the statutory period.
2. That the appeal is in arguments stage and is fixed for 09.09.2015 before this Honorable KPK Service Tribunal.
3. That due to non payment of salaries, the financial position of the appellant is very hard and will not be bearable.
4. That the financial crises/hardships for the whole family of the appellant will be increased due to non payment of his salaries.
5. That it will be in the interest of justice to fix the case at an early date.


It is, therefore most humbly prayed that on acceptance of this application, an early date of hearing may kindly be fixed in the above Service Appeal instead of 09.09.2015. Any other remedy which this August Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.

Appellant

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE PESHAWAR.

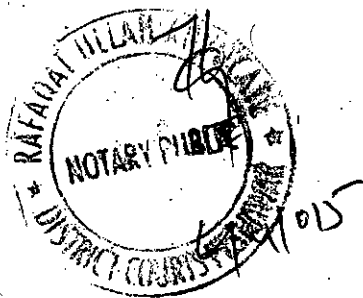
AND



(TAIMUR ALI KHAN)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of the above application are true and correct to the best of my knowledge and belief.

ATTESTED




Deponent

No. 93-98

From:

/APO/NAB: Dated Miranshah the, 13/11/2012.

To:

The Assistant Political Officer,
Miranshah,
The Agency Accounts Officer, Miranshah.

Subject:

DEPOSITING OF MONTHLY SALARIES OF NASIR-U-DIN,
FIDA MUHAMAD AND ZIAULLAH JUNIOR CLERKS OF PA'S
OFFICE MIRANSHAH NWA IN THE FEDERAL TREASURY.

Memo:

It is intimated that the undersigned has been deputed vide Political Agent, North Waziristan Agency office letter No.4701-04/S/NAB, dated 23/12/2011 (Copy enclosed for ready reference) to recover illegally drawn salaries by the subject officials; details below against each official from Irrigation Department. The amount to be recovered, has been calculated by the Executive Engineer, Irrigation and Hydel Power Division Miranshah North Waziristan Agency vide his letter No.2084-86/Surplus, dated 23.11.2011, (Copies enclosed for ready reference) pursuant to National Accountability Bureau inquiry and letter No.1/34/(CV)/W-1/NAB (KPK)/1172, dated 29/10/2011.

1. Nasir-u-Din the then Tube well Operator
now Junior Clerk PA's office Miranshah-----Rs. 5,65,514/-
2. Fida Muhammad the then Tube well Operator
now Junior Clerk PA's office Miranshah-----Rs. 13,42,485/-
3. Ziaullah, the then Tube well Operator
now Junior Clerk PA's office Miranshah-----Rs. 5,85,478/-

The above officials were asked vide this office letter No.5669-72/APO/NAB/L/G, dated 28/12/2011 to deposit the amount illegally drawn as Tube Well Operators within Ten Days, but they proved to be indifferent to the directions.

You are hereby directed to keep depositing the monthly salaries of the above officials into Federal Treasury/proper head till the liquidation of illegally drawn amount already mentioned against each, and progress report be intimated at the end of each month with the details of deposit amount.

Assistant Political Officer,
Miranshah.

Copy to :-

1. The Political Agent, North Waziristan Agency for information with reference to discussion and verbal approval.
2. The Accountant PA's office Miranshah.
3. Officials concerned.

Assistant Political Officer,
Miranshah.

ATTEST